

**ZONING COMMITTEE  
AGENDA  
WEDNESDAY, DECEMBER 15, 2004**

**A.    ADOPTION OF AGENDA**

**B.    APPROVAL OF MINUTES**

**CONSENT AGENDA**

**ORDINANCES FOR FIRST READING**

04-O-2301 ( 1)    An Ordinance by Zoning Committee to rezone property from  
**Z-04-134**           the R-5 (Two-Family Residential) District to the C-2  
                      (Commercial Service) District, property located at **183**  
                      **Moreland Avenue, SE**, fronting 153 feet on the west side of  
                      Moreland Avenue beginning 550 feet south from the  
                      southwest corner of Kirkwood Avenue.

Depth:               Varies

Area:                Approximately 0.506 Acre

Land Lot:           13, 14<sup>th</sup> District, Fulton County, Georgia

Owner:              Community Bible Chapel

Applicant:          Robert J. Marek

**NPU-N**

**Council District 5**

04-O-2302 ( 2)    An Ordinance by Zoning Committee to amend Ordinance Z-  
**Z-04-136/**           04-62, adopted by City Council October 4, 2004 and  
**Z-04-62**           approved by the Mayor October 8, 2004 rezoning from the C-  
                      1 (Community Business) and R-4 (Single-Family Residential)  
                      Districts to the PD-MU (Planned Development-Mixed Use)  
                      District, property located at **2011 Bolton Road, NW**, for the  
                      purpose of approving an amended Site Plan.

Owner:              Mark G. Harrison

By:                  Zoning Committee

**NPU-D**

**Council District 9**

04-O-2303 ( 3)    An Ordinance by Zoning Committee to rezone from the RG-4  
**Z-04-138**           (Residential General – Sector 4) District to the MRC-3 (Mixed  
                      Residential Commercial) District, property located at **180**  
                      **Jackson Street and 382 John Wesley Dobbs, N.E. (a.k.a.**  
                      **390 Irwin Street)**, fronting approximately 193 feet on the  
                      north side of Irwin Street beginning at the northwest corner  
                      of Jackson Street and Irwin Street. Property also has  
                      frontage on Jackson Street and John Wesley Dobbs.

Depth:               Varies

Area:                Approximately 9.5 Acres

Land Lot:           46, 14<sup>th</sup> District, Fulton County, Georgia

Owner:              Sandra K. Hartman

Applicant:          Alycen E. Whiddon

**NPU-M**

**Council District 2**

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## CONSENT AGENDA

### **ORDINANCES FOR FIRST READING (CONT'D)**

- 04-O-2304 ( 4 )  
**Z-04-139** An Ordinance by Zoning Committee to rezone from the I-1 (Light Industrial) District to the LW (Live Work) District, property located at **616-620 Angier Avenue, NE**, fronting 101.7 feet on the north side of Angier Avenue 152.4 feet east of the northeast corner of Glen Iris Drive and Angier Avenue.  
Depth: Varies  
Area: 0.424 Acre  
Land Lot: 18, 14<sup>th</sup> District, Fulton County, Georgia  
Owner: Stephen And Kelly Clemons  
Applicant: Allen Hoss  
**NPU-M Council District 2**

04-O-2305 ( 5 )  
**Z-04-140** An Ordinance by Zoning Committee to rezone property from the R-4 (Single Family Residential) District to the PD-H (Planned Development-Housing) District, property located at **1761 Flat Shoals Road, S.E. (a.k.a. 1031 Leah Lane)**, fronting approximately 50 feet on the westerly side of Leah Lane approximately 430 feet west of the intersection of Flat Shoals Road and Leah Lane.  
Depth: Varies  
Area: Approximately 6.26 Acres  
Land Lots: 146 and 147, 15<sup>th</sup> District, Dekalb County, Georgia.  
Owner: Dan Woodley  
Applicant: Jacob Cohen And Dan Woodley  
**NPU-W Council District 5**

04-O-2306 ( 6 )  
**U-04-29** An Ordinance by Zoning Committee granting a Special Use Permit for Outdoor Dining (Section 16-011.005(1)(L), property located at **1920 Howell Mill Road, NW**, fronting approximately 145 feet on the west side of Howell Mill Road, beginning at the northwest corner of Beck Street and Howell Mill Road.  
Depth: Varies  
Area: 0.736 Acre  
Land Lot: 153, 17<sup>th</sup> District, Fulton County, Georgia  
Owner: Charles L. Hill, Jr./Ironhead LLC  
Applicant: Karl F. Bitter  
**NPU-C Council District 8**

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## CONSENT AGENDA

### **ORDINANCES FOR FIRST READING (CONT'D)**

- 04-O-2307 ( 7)  
**U-04-30/**  
**U-82-5**
- An Ordinance by Zoning Committee to amend Ordinance U-82-5, adopted by City Council May 3, 1982 and approved by the Mayor May 4, 1982 approving a Special Use Permit for a Cemetery, property located at **1990 Jonesboro Road, SE**, for the purpose of approving an amended Site Plan.
- Owner: South-View Cemetery Association  
Applicant: Winifred Watts Hemphill
- NPU-Z** **Council District 1**
- 04-O-2308 ( 8)  
**U-04-31/**  
**U-03-04**
- An Ordinance by Zoning Committee granting a Special Use Permit for a Solid Waste Handling Facility (Section 16-17.005(1)(x), property located at **2670 Jonesboro Road, SE**, fronting approximately 400 feet on the southeasterly side of Jonesboro Road beginning 452.5 feet northeasterly from the northeast corner of Cleveland Avenue Extension. Remanded back by Fulton County Superior Court.
- Depth: Varies  
Area: 11.8578 Acres  
Land Lots: 28 & 29, 14<sup>th</sup> District, Fulton County, Georgia
- Owner: Atlanta Recycling, Inc.  
Applicant: Allstate Waste, Inc.  
By: Brian E. Daughdrill, Esq., Attorney
- NPU-Z** **Council District 12**

### C. ORDINANCE FOR SECOND READING

- 04-O-2273 ( 1) An Ordinance by Councilmember Felicia A. Moore correcting Ordinance 04-O-1359 adopted by City Council November 1, 2004 approved by the Mayor November 5, 2004 rezoning thirteen properties as part of the implementation of the Donald L. Hollowell Parkway Redevelopment Plan so that the Map entitled "Attachment A, Exhibit, C" intended as part of the original legislation is included.

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**D. PAPERS HELD IN COMMITTEE**

- 02-O-0181 ( 1)  
**Z-02-07** An Ordinance by Zoning Committee designating the Medical Arts Building, located at **384 Peachtree Street, NW**, Land Lot 50 of the 14<sup>th</sup> District of Fulton County, Georgia and certain real property on which it is located, to the Overlay Zoning Designation of Landmark Building or Site pursuant to Chapter 20 of the Zoning Ordinance of the City of Atlanta and rezoning from SPI-1 (Central Core) to SPI-1/LBS (Central Core/Landmark Building or Site); to repeal conflicting laws; and for other purposes. **(Favorable by Zoning Committee 4/30/03) (Referred back by Council 5/5/03) (Held 5/14/03)**
- 03-O-0763 ( 2) An Ordinance by Councilmember Clair Muller to amend Part 15 of the Land Development Code of the Code of Ordinances of the City of Atlanta to allow for the creation of Conservation Subdivisions in the City of Atlanta and to provide standards for their implementation; and for other purposes. **(Held 5/14/03) (Work Session held 9/17/03)**
- 04-O-0073 ( 3)  
**Z-03-88** A **Substitute** Ordinance by Zoning Committee to rezone from the C-1-C (Community Business-Conditional) District, to the C-3-C (Commercial Residential-Conditional) District, property located at the **NE corner of Pryor Road, SW and Thirkeld Avenue, SW**, fronting approximately 687.31 feet on the east side of Pryor Road beginning at the northeast corner of Thirkeld Avenue. **(Held 2/25/04 for CDP Amendment)**  
Depth: Varies  
Area: 5.4787 Acres  
Land Lots: 72 & 73, 14<sup>th</sup> District, Fulton County, Georgia  
Owner: The Housing Authority of the City of Atlanta  
Applicant: Carver Redevelopment, LLC  
**NPU-Y Council District 1**
- 04-O-0458 ( 4)  
**Z-04-10** An Ordinance by Zoning Committee to rezone from the R-4 (Single-Family Residential) and the I-2 (Heavy Industrial) Districts to the R-4A (Single-Family Residential) District, property located at **1891 Evans Drive, SW**, fronting 277 feet on the southwesterly side of Evans Drive beginning 188.13 feet southerly from the southwest corner of Osborne Street. **(Held 9/1/04) (Held 9/1/04 for CDP Amendment)**

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**D. PAPERS HELD IN COMMITTEE (CONT'D)**

Depth: 1,061. 36 Square Feet  
Area: 5.834 Acres  
Land Lot: 122, 14<sup>th</sup> District, Fulton County, Georgia  
Owner: J. Martin Turbidy  
Applicant: John W. Madden

**NPU-X**

**Council District 12**

- 04-O-1251 ( 5)  
**Z-04-99** An Ordinance by Councilmember Ivory Lee Young, Jr. to amend the Zoning Ordinance of the City of Atlanta so as to rezone property in Dixie Hills, Hunter Hills, Grove Park, Center Hill, West Lake, Washington Park, English Avenue, Vine City, Bankhead Avenue, Harvel Homes Urban Villa, Penelope Neighbors, Mozley Park, and Knight Park/Howell Station which are wholly or partially located in Council District 3 from R-5 (Two-Family Residential) to R4-A (Single-Family Residential); and for other purposes. **(Held 10/27/04) (Held pending new legislation brought forward that will eliminate the neighborhoods' problem 4-5 months)**
- 04-O-1365 ( 6)  
**Z-04-105** An Ordinance by Councilmember Anne Fauver as **substituted and amended by Zoning Committee** to amend certain sections of Chapter 16 of the City of Atlanta Code of Ordinances ("The Zoning Code") for the purpose of modifying the parking requirements associated with eating and drinking establishments in order to increase the parking requirements for those establishments licensed for the on the premises consumption of malt beverages, wine and/or distilled spirits when such establishments derive more than 60% of their income from such sales; and for other purposes. **(Held 12/01/04)**
- 04-R-1925 ( 7) An Ordinance by Councilmember Ceasar Mitchell requiring and directing the Zoning Administrator to include and review the requirement for Taxicab Stands in the Plan Review Process for Building Permits as set forth in City of Atlanta code Section 16-28.014(7) of the Zoning Code; and for other purposes. **(Held 10/27/04)**

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**D. PAPERS HELD IN COMMITTEE (CONT'D)**

04-O-1837 ( 8)      An Ordinance by Zoning Committee to rezone from the  
**Z-04-103**      I-1 (Light Industrial) District to the MRC-3 (Mixed Residential  
Commercial) District, property located at **471 & 525 Glen  
Iris Drive, 616-624 Rankin Street, 476-502 and 471-485  
Wilmer Street, 619, 623, 660, 680, & 681 Dallas Street,**  
**NE** fronting **Tract 1**, 372.88 feet on the east side of Glen Iris  
Drive beginning at the northeast corner of Morgan Street  
**(ZRB Public Hearing held 11/4/04) (Held 12/01/04)**

Depth:      Varies

Area:      7.106 Acres

**Tract 2**, fronting 216 feet on the east side of Glen Iris Drive  
beginning at the northeast corner of Rankin Street, Tract 2  
also fronts on Rankin Street, Wilmer Street and Dallas  
Street.

Depth:      Varies

Area:      2.653 Acres

**Tract 3**, fronting 195.77 feet on the east side of Wilmer  
Street beginning at the northeast corner of Rankin Street

Depth:      Varies

**Tract 4**, fronting 126.19 feet on the south side of Dallas  
Street beginning at the southeast corner of Edith Street  
(unimproved, unopened City right-of-way)

Depth:      Varies

Area:      0.746 Acre

Land Lot:      18, 14<sup>th</sup> District, Fulton County, Georgia

Owner:      Arthur Cohen, et al.

Applicant:      Gellerstedt Development, LLC

**NPU-M**

**Council District 2**

04-O-1838 ( 9)      An Ordinance by Zoning Committee to rezone from the  
**Z-04-104**      I-1-C (Light Industrial-Conditional) District to the MR-4A  
(Multi-Family Residential-Eight story multi-family dwellings)  
District, property located at **140 Milton Avenue, SE**,  
fronting 517.04 feet on the northeasterly side of Milton  
Avenue beginning at the southwest corner of Martin Street.  
**(ZRB Public Hearing held on 11/4/04) (Held 12/01/04)**

Depth:      Varies

Area:      2.7556 Acres

Land Lots:      55 & 56, 14<sup>th</sup> District, Fulton County, Georgia

Owner:      Mohamed M. Malak

Applicant:      Mitchel C. Jaffe

**NPU-Y**

**Council District 1**

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**D.    PAPERS HELD IN COMMITTEE (CONT'D)**

04-O-1553 (10)    An Ordinance by Zoning Committee to amend Section  
**Z-04-106**            16-28.006(10) of the Zoning Code of the City of Atlanta's  
Code of Ordinances, for the purpose of clarifying the  
requirements related to independent driveways; and for other  
purposes. **(ZRB Public Hearing held 11/18/04) (Held**  
**12/01/04)**

**E.    ITEMS NOT ON THE AGENDA**

**F.    ADJOURNMENT**

## PENDING LEGISLATION IN ZRB

- 03-O-2231 ( 1) An Ordinance by Councilmember Debi Starnes rezoning certain portions of the grounds of the Edward C. Peters House, located at **179 Ponce de Leon Avenue** so as to remove the Overlay Designation of Landmark Building or site; and for other purposes.
- 04-O-0255 ( 2)  
**Z-04-12** An Ordinance by Councilmember Cleta Winslow to amend the 1982 Zoning Ordinance of the city of Atlanta by creating a new Chapter entitled Chapter 18U. SPI 21 Historic West End District Regulations and to amend the official zoning map by supplanting existing zoning districts R5, RG3, C1, C1-C, C3, RLC, I1, I2, and O-I with said SPI 21 District; and to amend Chapter 28A.010 by adding a new Subsection (46) SPI-21 Historic west End District; and for other purposes.
- 04-O-0627 ( 3) An Ordinance by Zoning Committee to amend the 1982 City of Atlanta Zoning Ordinance, as amended, so as to permit churches, synagogues, temples and other religious worship facilities as permitted principal uses and structures in the PD-MU (Planned Development-Mixed Use) and PD-OC (Planned Development-Office Commercial) Districts.
- 04-O-1135 ( 4)  
**Z-04-51** An Ordinance by Zoning Committee to rezone from the I-1 (Light Industrial) District to the PD-MU (Planned Development-Mixed Use) District, property located at **166 16<sup>th</sup> Street, NW**, fronting 136.90 feet on the south side of 16<sup>th</sup> Street beginning at the southeast corner of Fowler Street.
- Depth: 361 Feet  
Area: 1.307 Acres  
Land Lot: 108, 17<sup>th</sup> District, Fulton County , Georgia  
Owner: Madison Midtown, LLC  
Applicant: J. Charles Hendon  
By: Carl E. Westmoreland, Jr., Attorney
- NPU-E** **Council District 2**
- 04-O-1352 ( 5)  
**Z-04-133** An Ordinance by Councilmember Ivory Lee Young, Jr. to amend the Atlanta Zoning Ordinance by Amending the wording of all permits for religious worship facilities to include the word Mosques; and for other purposes.



**PENDING LEGISLATION IN ZRB (CONT'D)**

- 04-O-1360 ( 6)  
**Z-04-108** An Ordinance by Councilmember Felicia A. Moore amending the Zoning Ordinance of the City of Atlanta and the Maps established in connection therewith be changed so that the following property bounded by Ruth Street and North Street to the north, Newman Place to the south, Gun Club Road and Hollywood Road to the west, and Proctor Creek to the east, be changed from R-5 (Two-Family Residential) Zoning Classification to R-4A (Single-Family Residential) Classification (Council District 9, NPU-J); and for other purposes. **(ZRB Public Hearing held on 11/4/04)**
- 04-O-1412 ( 7)  
**Z-04-78** An Ordinance by Councilmember Ivory Lee Young, Jr. to rezone from the R-4 (Single-Family Residential) District to the PD-H (Planned Development-Housing) District, property located at **3080-3099 Jones Road, NW and 840 Venetta Place (rear), NW.**  
**Tract 1:** Fronting approximately 539.91 feet on the northwesterly side of Jones Road beginning approximately 448.24 feet from the northwest corner of Jones Road and Skipper Drive;  
**Tracts 2 and 3:** Fronting approximately 409 feet on the southeasterly side of Jones Road beginning approximately 448.5 feet from the southeast corner of Jones Road and Skipper Drive;  
**Tract 4:** Fronting 202.32 feet on the southeasterly side of Jones Road beginning approximately 448.24 feet from the southeast corner of Skipper Drive and Jones Road, and  
**Tract 5:** Fronting approximately 50 feet at the western terminus of McLendon Circle beginning approximately 150 feet from the southwest corner of McLendon Circle and Venatta Place. **(ZRB Public Hearing scheduled for 11/16/04)**

**PENDING LEGISLATION IN ZRB (CONT'D)**

Depth: Varies  
Area: Approximately 18.68 Acres (All Tracts)  
Land Lots: 240 & 260 14<sup>th</sup> & 17<sup>th</sup> Districts, Fulton County, Georgia  
Owner: Ornstein-Schuler Capital Partners, LLC  
Applicant: Matthew F. Brunn  
**NPU-I Council District 9**

04-O-1638 ( 8)  
**Z-04-91** An Ordinance by Zoning Committee to rezone from the R-1 (Single-Family Residential) District to the PD-H (Planned Development-Housing) District, property located at **4090 Paces Ferry Road, NW (a.k.a. 2035 Garraux Road)**, fronting 275.6 feet on the south side of Paces Ferry Road beginning 210 feet west from the southwest corner of River Forest Parkway. Property also fronts 199.25 feet on the north side of Garraux Road.

Depth: Varies  
Area: Approximately 17.09 Acres  
Land Lots: 235 & 239, 17<sup>th</sup> District, Fulton County, Georgia  
Owner: Estate of Rebecca Wight/Cherry Sims  
Applicant: Paces Knoll, LLC  
By: Carl E. Westmoreland, Jr., Esq.  
**NPU-A Council District 8**

04-O-1639 (9)  
**Z-04-92** An Ordinance by Zoning Committee to rezone from the R-4 (Single-Family Residential) District to the PD-H (Planned Development-Housing) District, property located at **2475 Old Hapeville Road, SW, (a.k.a. 120 Pegg Road and 2475 Pryor Road, SW)**, fronting 139.63 feet on the west side of Old Hapeville Road beginning 419.50 feet south from the southwest corner of Meadow Park Drive. Property also fronts 50 feet on the south terminus of Bagwell Road.

Depth: Varies  
Area: 26.53 Acres  
Land Lot: 69, 14<sup>th</sup> District, Fulton County, Georgia  
Owner: Louis P. Gagarosa and Brothers Ventures  
By: Sarra Marshall  
**NPU-Z Council District 12**

### PENDING LEGISLATION IN ZRB (CONT'D)

04-O-1640 (10)  
**Z-04-93**

An Ordinance by Zoning Committee to rezone from the R-4 (Single-Family Residential) District to the RG-3 (Residential General-Sector 3) District, property located at **183 Mt. Zion Road, SE**, fronting 824 feet on the south side of Mt. Zion Road beginning approximately 1,021 feet east from the southeast corner of Highbury Trail.

Depth: Varies

Area: 14.4 Acres

Land Lots: 62 & 67, 14<sup>th</sup> District, Fulton County, Georgia

Owner: Dorothy B. Parham

Applicant: William J. Talley for Capitol Development

**NPU-Z**

## Council District 12

04-O-1644 (11) An Ordinance by Zoning Committee granting a Special  
**U-04-16** Use Permit for a Church (Section 16-06A.005 (1)(c)), property  
 located at **1560 Memorial Drive, SE**, fronting 166.40 feet on  
 the north side of Memorial Drive beginning 290 feet west of  
 the northwest corner of Dixie Street.

Depth: Varies

Area: 1.808 Acres

Land Lot: 207, 15<sup>th</sup> District, Dekalb County, Georgia

Owner: Atlanta Baptist Association

Applicant: Reginald Robbins

**NPU-O**

## Council District 5

04-O-1645 (12) An Ordinance by Zoning Committee granting a Special  
**U-04-17** Use Permit for a School Athletic Field (Section 16-05.005  
 (1)(k)), property located at **3311 & 3325 Rilman Road, NW**  
**and the rear of 3250, 3265, 3272, 3282 Wood Valley**  
**Road, NW**, fronting 300.23 feet on the east side of Rilman  
 Road beginning 4.98 feet south of the southeast corner of  
 Asheworth Court.

Depth: Varies

Area: 7.20 Acres

Land Lots: 157, 158, 181 & 182, 17<sup>th</sup> District, Fulton  
County, Georgia

Owner: Pace Academy, Inc. & Reid and Stacy Freeman

Applicant: Pace Academy, Inc.

By: Carl E. Westmoreland, Jr., Esq.

**NPU-A**

### Council District 8

### PENDING LEGISLATION IN ZRB (CONT'D)

- |   |  |                           |
|---|--|---------------------------|
| 04-O-1649 (13)<br><b>U-04-22/<br/>U-93-22</b> | An Ordinance by Zoning Committee to amend U-93-22 Ordinance 93-O-0934 adopted by City Council October 4, 1993 and approved per Section 2-403 on the 1996 Charter and Ordinance 98-O-0081 adopted February 16, 1998 and approved per Section 2-403 on the 1996 Charter for a Special Use Permit for a Private School located at <b><u>966 West Paces Ferry Road, NW</u></b> , for the purpose of approving a Change of Conditions.<br>Owner: Pace Academy, Inc.<br>Applicant: Pace Academy, Inc.<br>By: Carl E. Westmoreland, Jr., Esq.<br><b>NPU-A</b>               | <b>Council District 8</b> |
| 04-O-1621 (14)<br><b>Z-04-119</b>             | An Ordinance by Councilmember Mary Norwood to amend the Zoning Code of the City of Atlanta, by creating a new residential zoning classification, which is to be identified as R-2b.  |                           |
| 04-O-1617 (15)<br><b>U-02-24/<br/>U-03-11</b> | An Ordinance by Councilmember Debi Starnes to change the date of commencement of Special Use Permit U-03-11 for a Park-for-Hire Facility at 1240-1252 W. Peachtree St. NW, and 1241-1261 Sprint St., NW.   |                           |
| 04-O-1820 (16)<br><b>Z-04-121</b>             | An Ordinance by Zoning Committee to amend the 1982 Zoning Ordinance of the City of Atlanta to rezone certain properties within the Cheshire Bridge Road Corridor from the RG-3-C (Residential General-Conditional), C-1 (Community Business), C-2 (Commercial Service), I-1 (Light Industrial) Districts to the MR-2 (Multi-Family Residential), MR-3 (Multi-Family Residential), MRC-1-C (Mixed Residential Commercial-Conditional), MRC-2 (Mixed Residential Commercial) and MRC-2-C (Mixed Residential Commercial-Conditional) Districts; and for other purposes. |                           |
| 04-O-1821 (17)<br><b>Z-04-122</b>             | An Ordinance by Zoning Committee to amend the 1982 Zoning Ordinance of the City of Atlanta to rezone certain properties within the Cheshire Bridge Road Corridor from the C-1 (Community Business), C-1-C (Community Business-Conditional) and the C-2-C (Commercial Service-Conditional) Districts to the NC-4 Cheshire Bridge Road North Neighborhood Commercial District; and for other purposes.   |                           |

**PENDING LEGISLATION IN ZRB (CONT'D)**

04-O-1822 (18)     An Ordinance by Zoning Committee to amend the 1982  
**Z-04-123**           Zoning Ordinance of the City of Atlanta to rezone certain  
properties within the Cheshire Bridge Road Corridor from  
the C-1 (Community Business) and C-2 (Commercial  
Service), R-4 (Single Family Residential), RLC (Residential  
Limited Commercial) and RLC-C (Residential Limited  
Commercial- Conditional) Districts to the NC-5 Cheshire  
Bridge Road South Neighborhood Commercial District; and  
for other purposes.

04-O-1833 (19)     An Ordinance by Zoning Committee to rezone from  
**Z-04-86**           the R-4 (Single-Family Residential) District to the PD-H  
(Planned Development-Housing) District, property located at  
**845 Delmar Avenue, SE** fronting 168.01 feet on the south  
side of Delmar Avenue 220 feet west from the southwest  
corner of Ormewood Terrace. **(ZRB Public Hearing held on  
11/4/04)**

Depth:            Varies

Area:             5.4 Acres

Land Lot:        22, 14<sup>th</sup> District, Fulton County, Georgia.

Owner:           Tom Rackley

Applicant:       Robert Reed

**NPU-W**

**Council District 1**

04-O-1841 (20)     An Ordinance by Zoning Committee to amend  
**Z-04-109/**           Ordinance Z-84-71, as amended, adopted by City  
**Z-84-71**           Council October 1, 1984 and approved by the Mayor October  
3, 1984 rezoning from the RG-2 (Residential General-Sector  
2) District to the RG-3-C (Residential General-Sector 3-  
Conditional) District, property located at **2289 Virginia  
Place, NE** for the purpose of approving a revised site plan;  
and for other purposes. **(ZRB Public Hearing scheduled for  
11/18/04)**

**PENDING LEGISLATION IN ZRB (CONT'D)**

Owner: Peachtree Hills Apartment Corp.  
Applicant: Isakson/Barnhart Development Co., LLC.  
By: Larry M. Dingle, Esq.

**NPU-B**

**Council District 7**

04-O-1843 (21)  
**Z-04-110**

An Ordinance by Zoning Committee to rezone from the RG-2 (Residential General-Sector 2) District to the RG-3 (Residential General-Sector 3) District, property located at **228 Peachtree Hills Avenue, NE** fronting 791.82 feet on the north side of Peachtree Hill Avenue beginning the northeast corner of Virginia Place. **(ZRB Public Hearing scheduled for 11/18/04)**

Depth: Varies  
Area: 4.1906 Acres  
Land Lot: 102, 17<sup>th</sup> District, Fulton County, Georgia  
Owner: Peachtree Hills Apartment Corp.  
Applicant: Isakson/Barnhart Development Co., LLC  
By: Larry M. Dingle, Esq.

**NPU-B**

**Council District 7**

04-O-1844 (22)  
**Z-04-111**

An Ordinance by Zoning Committee to rezone from the OI-C (Office Institution-Conditional) District to the C-1 (Community Business) District, property located at **0 Fairburn Road, SW** fronting 420.66 feet on the east side of Fairburn Road 570.69 feet south from the southeast corner of Benjamin E. Mays Road. **(ZRB Public Hearing scheduled for 11/18/04)**

Depth: Varies  
Area: 2.76 Acres  
Land Lot: 12, 14<sup>th</sup> FF District, Fulton County, Georgia  
Owner: Sterling Trust Company  
Applicant: Marvin Isenberg for Piedmont Properties, Inc.

**NPU-H**

**Council District 10**

04-O-1847 (23)  
**Z-04-118**

An Ordinance by Zoning Committee to rezone from the R-5/HD (Two-Family Residential/West End Historic District) District to the RG-3 (Residential General-Sector 3/West End Historic District) District, property located at **1261 Lucile Avenue, SW (a.k.a. 1263-1279 Lucile Avenue)** fronting 281.91 feet on the north side of Lucile Avenue beginning at the northwest corner of Atwood Street. **(ZRB Public Hearing held on 11/4/04)**

Depth: 140 Feet  
Area: 0.91 Acre  
Land Lot: 140, 14<sup>th</sup> District, Fulton County, Georgia  
Owner: University Community Development Corporation  
Applicant: James R. Hayley

**NPU-T**

**Council District 4**

**PENDING LEGISLATION IN ZRB (CONT'D)**

04-O-1842 (24)      An Ordinance by Zoning Committee granting a Special  
**U-04-23**              Use Permit for a Personal Care Home (Assisted Living with  
Nursing Home Component) (Section 16-08.005 (1)(f),  
property located at **Tract 1, 228 Peachtree Hills Avenue, NE** fronting 791.82 feet on the north side of Peachtree Hills  
Avenue beginning at the northeast corner of Virginia Place;  
**Tract 2, 2289 Virginia Place, NE** fronting 602.18 feet on  
the east side of Virginia Place beginning at the southeast  
corner of Peachtree Hills Avenue. Tract 2 also fronts on  
Kinsey Court; **Tract 3, 2254 Virginia Place, NE** fronting  
498.24 feet on the west side of Virginia Place beginning at  
the southwest corner of Peachtree Hills Avenue.      **(ZRB  
Public Hearing scheduled for 11/18/04)**

Depth:              Varies  
Area:                23.32 Acres (all Tracts combined)  
Land Lot:          102, 17<sup>th</sup> District, Fulton County, Georgia  
Owner:              Peachtree Hills Apartment Corp.  
Applicant:        Isakson/Barnhart Development Co., LLC  
By:                  Larry M. Dingle, Esq.

**NPU-B**

**Council District 7**

04-O-1922 (25)      An Ordinance by Councilmember Felicia A. Moore to rezone  
from the RG-3 (Residential General – Sector 3) and I-1 (Light  
Industrial) Districts to the PD-MU (Planned Development –  
Mixed Use) District property consists of four Tracts as  
follows:

**Tract 1:**            Consisting of 6.85 Acres fronting approximately  
160 feet along the northerly right-of-way of Johnson Road,  
NW beginning at the northwest corner of the intersection of  
Johnson Road and Habershall Road, NW.

Depth:              Approximately 875 Feet

**Tract 2:**            Consisting of 21.75 acres, fronting  
approximately 1,250 feet along the northerly right-of-way of  
Johnson Road, NW beginning at the northeast corner of the  
intersection of Johnson Road and Habershall Road, NW.

Depth:              Approximately 900 feet

**Tract 3:**            Consisting of 53.50 acres fronting approximately  
1,400 feet along the southerly right-of-way of Johnson Road,  
NW beginning at the southwest corner of the intersection of  
Johnson Road and Grove Park Place, NW.

Depth:              Approximately 1,750 Feet

**PENDING LEGISLATION IN ZRB (CONT'D)**

**Tract 4:** Consisting of 11.73 acres fronting approximately 1,610 feet along the easterly right-of-way of Grove Park Place, NW beginning at the northeast corner of the intersection of Grove Park Place, NW and the Georgia Power Company right-of-way.

Depth: Varies

**NPU-G**

**Council District 9**

04-O-1939 (26)  
**Z-04-131** An Ordinance by Councilmember Ivory Lee Young, Jr. authorizing the Mayor or her designee to amend the Zoning Ordinance and the Maps established in connection therewith be changed so that the following property located at 762 West Marietta Boulevard be changed from the I-2 (Heavy Industrial) District to PD-MU (Planned Development-Mixed Use) District; and for other purposes.

04-O-2037 (27)  
**Z-04-135** An Ordinance by Councilmember Ivory Lee Young, Jr. amending the City of Atlanta Zoning Ordinance and the Maps established in connection therewith be changed so as to rezone properties located with SPI-11, Subarea Number 8 (Vine City Multi-Family Residential) bounded by Carter Street to the north, Griffin Street to the east, James P. Brawley to the west and Martin Luther King Jr. Drive to the south, to SPI-11, Subarea #7 (Vine City Single-Family Residential); and for other purposes.

04-O-2073 (28)  
**Z-04-120** An Ordinance by Zoning Committee to rezone property from the R-3 (Single Family Residential) District and the PD-H (Planned Development Housing) District to the PD-H (Planned Development-Housing) District, property located at **215 and 311 Lynhurst Drive, SW**, fronting approximately 396 feet on the westerly side of Lynhurst Drive approximately 1,046 feet south of the intersection of Martin Luther King, Jr. Drive and Lynhurst Drive.

Depth: Varies

Area: 5.499 Acres

Land Lots: 236 and 237 14<sup>th</sup> District, Fulton County, Georgia

Owner: Ashmel Williams

Applicant: Ashmel Williams

**NPU-I**

**Council District 10**



**PENDING LEGISLATION IN ZRB (CONT'D)**

- 04-O-2074 (29)  
**Z-04-125**
- An Ordinance by Zoning Committee to rezone property from the I-1 (Light Industrial) District to the R-4 (Single Family Residential) District, property located at **1498 Murphy Avenue, SW**, fronting 40.00 feet on the southeasterly side of Murphy Avenue beginning approximately 80 feet from the southeast corner of Langston Street (formerly Jonesboro Road).  
Depth: Varies  
Area: .113 Acre  
Land Lot: 121, 14<sup>th</sup> District, Fulton County, Georgia  
Owner: Vickery Miles  
Applicant: Vickery Miles  
**NPU-X** **Council District 12**
- 04-O-2075 ( 30)  
**Z-04-126/  
Z-01-71**
- An Ordinance by Zoning Committee to amend Ordinance Z-01-71, as amended, adopted by City Council March 4, 2002 and approved by the Mayor March 12, 2002 rezoning from the R-4 (Single-Family Residential) District to the PD-H (Planned Development-Housing) District property located at **McDonough Boulevard, SE**, fronting 678.94 feet on the southwesterly side of McDonough Boulevard, beginning approximately 612.40 feet northwesterly from the southwest corner of Henry Thomas Drive for the purposes of approving a revised site plan and; for other purposes.  
Owner: William H. Freeman  
Applicant: Melvin Collins  
**NPU-Z** **Council District 1**
- 04-O-2076 (31)  
**Z-04-127/  
Z-03-85**
- An Ordinance by Zoning Committee to amend Ordinance Z-03-85, as amended, adopted by City Council April 19, 2004 and approved by the Mayor April 27, 2004 rezoning from the RG-2 (Residential General-Sector 2) District to the PD-H (Planned Development-Housing) District, property located at **201 Moury Avenue** for the purposes of approving a revised site plan; and for other purposes.  
Owner: Housing Authority of the City of Atlanta  
Applicant: Carver Redevelopment, LLC  
**NPU - Y** **Council District 1**

### **PENDING LEGISLATION IN ZRB (CONT'D)**

- 04-O-2077 (32) An Ordinance by Zoning Committee to rezone property  
**Z-04-128** from the I-2 (Heavy Industrial) District to the PD-H (Planned Development-Housing) District, property located at **768 Highland Avenue**, fronting approximately 116 feet on the northeasterly side of Highland Avenue, beginning approximately 152 feet northeasterly of the intersection of Highland Avenue and Alaska Avenue.  
Depth: Varies  
Area: 3.95 Acres  
Land Lot: 19, 14<sup>th</sup> District, Fulton County, Georgia  
Owner: Edwin Rothberg  
Applicant: David Green  
**NPU-M Council District 2**
- 04-O-2078 (33) An Ordinance by Zoning Committee to rezone property  
**Z-04-129** from the I-2 (Heavy Industrial) District to the MRC-3 (Mixed Residential Commercial) District, property located at **349-359 Decatur Street**, fronting approximately 618.45 on the south side of Decatur Street and fronting approximately 163 feet on the east side of Hill Street and fronting approximately 103 feet on the west side of Grant Street, beginning at the intersection of Decatur Street and Grant Street.  
Depth: Varies  
Area: 3.9 Acres  
Land Lots: 45 and 52, 14<sup>th</sup> District, Fulton County, Georgia  
Owner: Janelle Corey and William Corey  
Applicant: David Green  
**NPU-M Council District 2**
- 04-O-2079 (34) An Ordinance by Zoning Committee to rezone property  
**Z-04-130** from the R-3 (Single Family Residential) District to the PD-H (Planned Development-Housing) District, property located at **1690 Adams Drive**, fronting approximately 1,207 feet along the southeasterly side of Adams Drive and fronting approximately 517 feet on the southeasterly side of Childress Street, beginning at the northerly right-of-way of Childress Drive and the easterly right of way of Adams Drive.  
Depth: Varies  
Area: 4.16 Acres  
Land Lot: 232, 14<sup>th</sup> District, Fulton County, Georgia  
Owner: Community Renewal and Redemption, LLC  
Applicant: Samuel Dickson By Village Habitat Design  
**NPU-R Council District 11**

**PENDING LEGISLATION IN ZRB (CONT'D)**

- 04-O-2080 (35)  
**U-04-25**
- An Ordinance by Zoning Committee granting a Special Use Permit for a Recreational Facility (Section 16-08.005(1)(j)), property located at **89 William H. Borders Drive**, fronting approximately 325 feet on the westerly side of William H. Borders Drive, beginning approximately 262 feet north of the intersection of William H. Borders Drive and Decatur Street.
- Depth: Varies  
Area: 1.352 Acres  
Land Lot: 45, 14<sup>th</sup> District, Fulton County, Georgia  
Owner: The Salvation Army, a Georgia Corporation  
Applicant: Brent Pope  
**NPU-M** **Council District 5**
- 04-O-2081 (36)  
**U-04-26**
- An Ordinance by Zoning Committee granting a Special Use Permit for a Mortuary Facility (Section 16-011.005(1)(b)), property located at **2125 County Line Road, SW**, fronting approximately 45 feet on the westerly side of County Line Road, beginning approximately 40 feet south of the intersection of Wilson James Road and County Line Road.
- Depth: Varies  
Area: 1.440 Acres  
Land Lot: 65, 14<sup>th</sup> FF District, Fulton County, Georgia  
Owner: Kerang Jason Ding  
Applicant: Bianca Smith  
**NPU-P** **Council District 11**
- 04-O-2082 (37)  
**U-04-27**
- An Ordinance by Zoning Committee granting a Special Use Permit for expansion of an existing Assisted Living Facility Sections 16-08.005 (1)(f.) and 16-11.005 (1)(e), property located at **3711 Benjamin E. Mays Drive** fronting approximately 139 feet on the easterly side of Fairburn Road and fronting approximately 392 feet along the northerly side of Benjamin E. Mays Drive.
- Depth: Varies  
Area: 5.776 Acres  
Land Lot: 12, 14<sup>th</sup> FF District, Fulton County, Georgia  
Owner: Julius M. Willis  
Applicant: Julius M. Willis  
**NPU-H** **Council District 10**

### PENDING LEGISLATION IN ZRB (CONT'D)

- 04-O-2083 (38) An Ordinance by Zoning Committee granting a Special  
**U-04-28** Use Permit for a Group Home for Boys (Section 16-06.005  
(1)(g), property located at **615 Kennolia Drive** fronting  
approximately 137 feet on the northwesterly side of Kennolia  
Drive and fronting approximately 193 feet on the southerly  
side of Westwood Avenue. Property is located at the  
intersection of Westwood Avenue and Kennolia Drive.  
Depth: Varies  
Area: 59 Acres  
Land Lot: 171, 14<sup>th</sup> District, Fulton County, Georgia  
Owner: Kendrick Solomon  
Applicant: Kendrick Solomon  
**NPU-I Council District 11**
- 04-O-2089 (39) An Ordinance by Zoning Committee to repeal Code Section  
16-28.024 of the City of Atlanta Zoning Code of Ordinances  
titled "Package Stores – Locational Requirements"; and for  
other purposes.
- 04-O-2271 (40) An Ordinance by Councilmember Felicia A. Moore amending  
the Zoning Ordinance of the City of Atlanta and the Maps  
established in connection therewith be changed so that the  
following property bounded by Alvin Drive to the North, Ruth  
Street to the south, North Street to the east, and properties  
fronted by Gun Club Road to the west, be changed from R-5  
(Two Family Residential) Zoning Classification to R-4A  
(Single-Family Residential) Classification; and for other  
purposes.  
**NPU-G Council District 9**
- 04-O-2272 (41) An Ordinance by Councilmember Felicia A. Moore amending  
the Zoning Ordinance of the City of Atlanta and the Maps  
established in connection therewith be changed so that the  
following property bounded by properties fronted by Gun  
Club Road to the north and northeast, Alvin Drive to the  
south, and old Holloywood Road to the West, be changed  
from R-5 (Two family Residential) Zoning Classification to R-  
4A (Single-Family Residential) Classification; and for other  
purposes.  
**NPU-G Council District 9**

**PENDING LEGISLATION IN ZRB (CONT'D)**

04-O-2274 (42) An Ordinance by Councilmember Felicia A. Moore amending the Zoning Ordinance of the City of Atlanta and the Maps established in connection therewith be changed so that the following property bounded by Peters Street to the south, Hollywood Road and Hightower Road to the east, properties fronted by Mango Circle and Proctor Drive to the north, and properties fronted by northwest Drive to the south and west, be changed from R-5 (Two Family Residential) Zoning Classification to R-4A (Single Family Residential) Classification; and for other purposes.

**NPU-G**

**Council District 9**

04-O-2275 (43) An Ordinance by Councilmember Felicia A. Moore amending the Zoning Ordinance of the City of Atlanta and the Maps established in connection therewith be changed so that the following property bounded by properties fronted by 1<sup>st</sup> Street and Grover Avenue to the north, Perry Boulevard to the north and east, Clarissa Drive and Arno Court to the south, and Hollywood Road to the west, be changed from R-5 (Two Family Residential) Zoning Classification to R-4A (Single Family Residential) Classification; and for other purposes.

**NPU-G**

**Council District 9**

04-O-2276 (44) An Ordinance by Councilmember Felicia A. Moore amending the Zoning Ordinance of the City of Atlanta and the Maps established in connection therewith be changed so that the following property bounded by Center Street and Etheridge Drive to the north, James Jackson Parkway to the west, Hightower Road to the east, and Morris Street to the south, be changed from R-5 (two Family Residential) Zoning Classification to R-4A (Single Family Residential) Classification, and the following property bounded by Morris Street to the north, James Jackson Parkway to the west, Hightower Road to the east, and properties fronted by Brown Street to the south, be changed from R-5 (Two Family Residential) Zoning Classification to R-4B (Single-Family Residential) Classification; and for other purposes.

**NPU-G**

**Council District 9**

04-O-2277 (45) An Ordinance by Councilmember Joyce Sheperd authorizing the Mayor or her designee to amend the Zoning Ordinance of the City of Atlanta to rezone property located in Land Lot 4 of the 14<sup>th</sup> District, Fulton County, Georgia from R-4 (Single-Family Residential) District to PD-H (Planned Development-Housing) District; and for other purposes.

City Council  
Atlanta, Georgia

**04-0-2301**

AN ORDINANCE  
BY: ZONING COMMITTEE

Z-04-134  
Date Filed: 11-05-04

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

SECTION 1. That the Zoning Ordinance of the city of Atlanta be amended, and the maps established in connection therewith be changed so that the following property located at **183 Moreland Avenue, S.E.** be changed from the R-5 (Two-Family Residential) District, to the C-2 (Commercial Service) District, to wit:

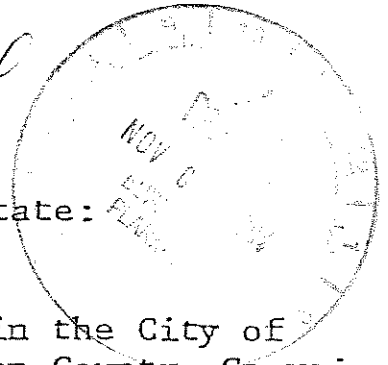
ALL THAT TRACT or parcel of land lying and being in Land Lot 13 of the 14<sup>th</sup> District, Fulton County, Georgia, being more particularly described by the attached legal description.

SECTION 2. If this amendment is approved under the provisions of Section 16-02.003 of the Zoning Ordinance of the City of Atlanta, entitled, "Conditional Development", as identified by the use of the suffice "C" after the district designation in Section 1 above, the Director, Bureau of Buildings, shall issue a building permit for the development of the above-described property only in compliance with the attached conditions. Any conditions hereby approved (including any conditional site plan) do not authorize the violation of any district regulations. District regulation variances can be approved only by application to the Board of Zoning Adjustment.

SECTION 3. That the maps referred to, now on file in the Office of the Municipal Clerk, be changed to conform with the terms of this ordinance.

SECTION 4. That all ordinances or parts of ordinances in conflict with the terms of this ordinance are hereby repealed.

7-04-134



Location of property, city, county, state:

All that tract or parcel of land lying and being in the City of Atlanta in Land Lot 13 of the 14th District, Fulton County, Georgia, and being more particularly described as follows:

BEGINNING at an iron pin on the west side of Moreland Avenue which iron pin is 550.0 feet south as measured along the west side of Moreland Avenue from the intersection formed by the west side of Moreland Avenue and the south side of Kirkwood Avenue; thence running west along a line which forms an interior angle of 90 degrees 38 minutes 30 seconds with the west side of Moreland Avenue 145.0 feet to an iron pin on the east side of a 10-foot alley; thence running south along the east side of said 10-foot alley along a line which forms an interior angle of 89 degrees 12 minutes 50 seconds with the last described course 151.2 feet to an iron pin on the west side of said 10-foot alley; thence running east along a line which forms an interior angle of 91 degrees 29 minutes 40 seconds with the last described course 144.65 feet to an iron pin on the west side of Moreland Avenue (this course forms an interior angle of 88 degrees 39 minutes with the west side of Moreland Avenue); thence running north along the west side of Moreland Avenue 153.0 feet to an iron pin and the point of beginning; being improved property known as 183 Moreland Avenue, S. E., according to the present system of numbering buildings in the City of Atlanta.

The above-described property is the same property conveyed to Bethany Primitive Baptist Church by the following deeds:

(a) Warranty Deed from A. P. Phillips to J. A. Davis, H. F. Upshaw, and G. P. Nall, Deacons and Trustees of Bethany Primitive Baptist Church, and their successors in office, which Warranty Deed is dated 3/26/27, filed 6/24/27, and recorded at Deed Book 1101, page 66, Fulton County Records;

(b) Warranty Deed from A. P. Phillips to J. A. Davis, G. P. Nall, L. L. Wright, E. L. Cole, L. A. Buckhalt, C. R. Leathers, E. A. Stephens and Homer Corbitt in their representative capacities as Deacons and Trustees of Bethany Primitive Baptist Church, and their successors in office, which Warranty Deed is dated 3/17/44, filed 3/18/44, and recorded at Deed Book 1887, page 394, aforesaid records.

The above-described property is more particularly shown and delineated on plat entitled "Survey for Community Bible Chapel" prepared by Bush, Steed & Boyd, Inc., dated May 9, 1979, which plat is incorporated herein and made a part hereof by reference.

City Council  
Atlanta, Georgia

**04-O-2302**

AN ORDINANCE  
BY: ZONING COMMITTEE

**Z-04-136/Z-04-62**  
Date Filed: 11-09-04

AN ORDINANCE TO AMEND ORDINANCE Z-04-62, ADOPTED BY CITY COUNCIL OCTOBER 4, 2004 AND APPROVED BY THE MAYOR OCTOBER 8, 2004 REZONING FROM THE C-1 (COMMUNITY BUSINESS) AND R-4 (SINGLE-FAMILY RESIDENTIAL) DISTRICTS TO THE PD-MU (PLANNED DEVELOPMENT-MIXED USE) DISTRICT, PROPERTY LOCATED AT **2011 BOLTON ROAD, N.W.** FOR THE PURPOSE OF APPROVING AN AMENDED SITE PLAN.

OWNER: MARK G. HARRISON  
BY: ZONING COMMITTEE  
NPU-D

COUNCIL DISTRICT 9

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

SECTION 1. That the currently adopted site plan governing the development approved by Ordinance Z-04-62 (04-O-1292) entitled "Bolton Village Center" prepared by Tunnell-Spangle-Walsh, dated June 15, 2004 and marked received by the Bureau of Planning June 27, 2004 is hereby deleted and a revised site plan entitled Bolton Village Center" prepared by Tunnell-Spangle-Walsh, dated November 1, 2004 and marked received by the Bureau of Planning November 9, 2004 is hereby adopted in lieu there of.

SECTION 2. That this amendment is approved under the provisions of Chapter 19 entitled, "Planned Development District", and Chapter 19A through Chapter 19D (as applicable) of the Zoning Ordinance of the City of Atlanta, and the Director, Bureau of Buildings, shall issue a building permit for the development of the above described property only in compliance with the applicable provisions of these Chapters and with the attached conditions.

SECTION 3. That a copy of Ordinance Z-04-62 is hereby attached for reference purposes.

SECTION 4. That all ordinances or parts of ordinances in conflict with the terms of this ordinance are hereby repealed.



2-04-136/2-04-62

### Legal Description

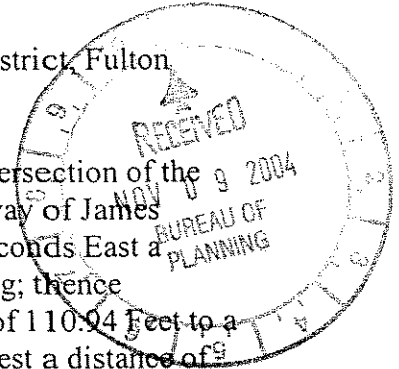
All that tract or parcel of land lying and being in Land Lot 256, 17<sup>th</sup> District, Fulton County, Georgia, and being more particularly described as follows:

To find the true point of beginning: Begin at a point formed by the intersection of the southerly right of way of Bolton Road and the southwesterly right of way of James Jackson Parkway; thence proceed South 08 Degrees 12 Minutes 30 Seconds East a distance of 182.30 Feet to a point, which is the True Point of Beginning; thence proceeding South 83 Degrees 12 Minutes 30 Seconds East a distance of 110.94 Feet to a point; thence proceeding South 82 Degrees 46 Minutes 30 Seconds West a distance of 498.24 Feet to a point; thence proceeding South 89 Degrees 41 Minutes 00 West a distance of 117.97 Feet; thence proceeding in a westerly direction across a drainage easement appx. 4.77 Feet more or less to a point; thence proceeding South 88 Degrees 41 Minutes 00 West a distance of 119.48 Feet to a point; thence proceeding along the arc of a curve in a northeasterly direction an arc distance of 86.11 Feet to a point (said arc being subtended by a chord with a bearing of North 47 Degrees 20 Minutes 28 Seconds East with a chord distance of 86.06 Feet and a radius of 1103.42 Feet to a point); thence continuing along the arc of a curve in a northeasterly direction a distance of 4.77 Feet (said arc being subtended by a chord with a bearing of North 50 Degrees 12 Minutes 02 Seconds East a distance of 4.77 Feet with a radius of 1103.42 Feet to a point); thence proceeding North 50 Degrees 19 Minutes 27 Seconds East a distance of 571.44 Feet to a point; thence proceeding along the arc of a curve in a northeasterly direction an arc distance of 62.15 Feet (said arc being subtended by a chord with a bearing of North 54 Degrees 13 Minutes 54 Seconds East a chord distance of 62.11 Feet to a point with a radius of 455.72); thence proceeding South 10 Degrees 14 Minutes 53 Seconds East a distance of 28.09 Feet to a point; thence proceeding North 58 Degrees 00 Minutes 11 Seconds East a distance of 8.49 Feet to a point; thence proceeding North 08 Degrees 47 Minutes 34 Seconds West a distance of 27.88 Feet to a point; thence proceeding along the arc of a curve in a northeasterly direction an arc distance of 20.80 Feet (said arc being subtended by a chord with a bearing of North 60 Degrees 43 Minutes 04 Seconds East a chord distance of 20.60 Feet with a radius of 455.72 Feet to a point); thence proceeding South 07 Degrees 34 Minutes 14 East of 185.83 Feet to a point; thence proceeding North 73 Degrees 36 Minutes 46 East a distance of 183.65 Feet to a point, which is the True Point of Beginning.

And

All that tract or parcel of land lying and being in the City of Atlanta, in Land Lot 256 of the 17<sup>th</sup> District of Fulton County, Georgia, more particularly described as follows:

Beginning at an iron pin located at the point of the intersection of the westerly side of South Cobb Drive (also know as State Highway No. 280 Access Road), as said Road is now located, with a 200 foot right-of-way, and the southerly side of Bolton Road; and running thence westerly and southwesterly along the southern right-of-way line of Bolton Road, and following the curvature thereof, a distance of 200 feet (the chord line being



197.35 feet) to an iron pin; and running thence south 08 Degrees 30 Minutes east 200 feet to an iron pin; thence running north 72 Degrees, 40 Minutes east to an iron pin on the west right-of-way line of South Cobb Drive, also known as State Highway No. 280 Access Road); thence running north 9 Degrees 15 Minutes west along the westerly side of South Cobb Drive (also known as State Highway No. 280 Access Road) 200 feet to the point of beginning.

2-04-136/2-04-62



City Council  
Atlanta, Georgia

04-0-1292

AN ORDINANCE  
BY: ZONING COMMITTEE

Z-04-62  
6-8-04

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

SECTION 1. That the Zoning Ordinance of the City of Atlanta, Georgia be amended and the maps established in connection therewith be changed so that the following property located at **2011 Bolton Road, N.W.** be changed from the **C-1 (Community Business & R-4A (Single-Family Residential))** Districts, to the **PD-MU (Planned Development-Mixed Use)** District, to wit:

ALL THAT TRACT or parcel of land lying and being in Land Lot **256** of the **17th** District of **Fulton** County, Georgia, being more particularly described by the attached legal description.

SECTION 2. That this amendment is approved under the provisions of Chapter 19 entitled, "PD Planned Development District," and Chapters 19A through 19D (as applicable) of the Zoning Ordinance of the City of Atlanta, and the Director, Bureau of Buildings, shall issue a building permit for the development of the above described property only in compliance with the applicable provisions of these Chapters and with the attached conditions.

SECTION 3. That the maps referred to, now on file in the Office of the Municipal Clerk, be changed to conform with the terms of this ordinance.

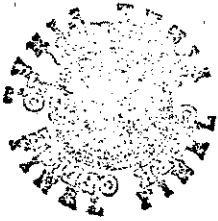
SECTION 4. That all ordinances or parts of ordinances that are in conflict with the terms of this ordinance are hereby repealed.

A true copy,

*Rhonda Daughlin Johnson*  
Municipal Clerk, CMC

ADOPTED by the Council  
APPROVED by the Mayor

October 4, 2004  
October 8, 2004



**Conditions for Z-04-62  
2011 Bolton Road, N.W.**

1. Conditioned upon a site plan entitled "Bolton Village Center" prepared by Tunnell-Spangler-Walsh, dated June 15, 2004 and marked received by the Bureau of Planning June 27, 2004.



### Legal Description

All that tract or parcel of land lying and being in Land Lot 256, 17<sup>th</sup> District, Fulton County, Georgia, and being more particularly described as follows:

To find the true point of beginning: Begin at a point formed by the intersection of the southerly right of way of Bolton Road and the southwesterly right of way of James Jackson Parkway; thence proceed South 08 Degrees 12 Minutes 30 Seconds East a distance of 182.30 Feet to a point, which is the True Point of Beginning; thence proceeding South 83 Degrees 12 Minutes 30 Seconds East a distance of 110.94 Feet to a point; thence proceeding South 82 Degrees 46 Minutes 30 Seconds West a distance of 498.24 Feet to a point; thence proceeding South 89 Degrees 41 Minutes 00 Seconds West a distance of 117.97 Feet; thence proceeding in a westerly direction across a drainage easement appx. 4.77 Feet more or less to a point; thence proceeding South 88 Degrees 41 Minutes 00 Seconds West a distance of 119.48 Feet to a point; thence proceeding along the arc of a curve in a northeasterly direction an arc distance of 86.11 Feet to a point (said arc being subtended by a chord with a bearing of North 47 Degrees 20 Minutes 28 Seconds East with a chord distance of 86.06 Feet and a radius of 1103.42 Feet to a point); thence continuing along the arc of a curve in a northeasterly direction a distance of 4.77 Feet (said arc being subtended by a chord with a bearing of North 50 Degrees 12 Minutes 02 Seconds East a distance of 4.77 Feet with a radius of 1103.42 Feet to a point); thence proceeding North 50 Degrees 19 Minutes 27 Seconds East a distance of 571.44 Feet to a point; thence proceeding along the arc of a curve in a northeasterly direction an arc distance of 62.15 Feet (said arc being subtended by a chord with a bearing of North 54 Degrees 13 Minutes 54 Seconds East a chord distance of 62.11 Feet to a point with a radius of 455.72); thence proceeding South 10 Degrees 14 Minutes 53 Seconds East a distance of 28.09 Feet to a point; thence proceeding North 58 Degrees 00 Minutes 11 Seconds East a distance of 8.49 Feet to a point; thence proceeding North 08 Degrees 47 Minutes 34 Seconds West a distance of 27.88 Feet to a point; thence proceeding along the arc of a curve in a northeasterly direction an arc distance of 20.80 Feet (said arc being subtended by a chord with a bearing of North 60 Degrees 43 Minutes 04 Seconds East a chord distance of 20.60 Feet with a radius of 455.72 Feet to a point); thence proceeding South 07 Degrees 34 Minutes 14 Seconds East a distance of 185.83 Feet to a point; thence proceeding North 73 Degrees 36 Minutes 46 Seconds East a distance of 183.65 Feet to a point, which is the True Point of Beginning.

And

All that tract or parcel of land lying and being in the City of Atlanta, in Land Lot 256 of the 17<sup>th</sup> District of Fulton County, Georgia, more particularly described as follows:

Beginning at an iron pin located at the point of the intersection of the westerly side of South Cobb Drive (also known as State Highway No. 280 Access Road), as said Road is now located, with a 200 foot right-of-way, and the southerly side of Bolton Road; and running thence westerly and southwesterly along the southern right-of-way line of Bolton Road, and following the curvature thereof, a distance of 200 feet (the chord line being



197.35 feet) to an iron pin; and running thence south 08 Degrees 30 Minutes east 200 feet to an iron pin; thence running north 72 Degrees, 40 Minutes east to an iron pin on the west right-of-way line of South Cobb Drive, also known as State Highway No. 280 Access Road); thence running north 9 Degrees 15 Minutes west along the westerly side of South Cobb Drive (also known as State Highway No. 280 Access Road) 200 feet to, the point of beginning.

7-04-62

RCS# 6106  
10/04/04  
4:15 PM

Atlanta City Council

Regular Session

04-O-1292

Z-04-62; 2011 BOLTON ROAD  
REZONE C-1 & R-4A TO PD-MU  
ADOPT

YEAS: 13  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 1  
EXCUSED: 0  
ABSENT 2

Y Smith	Y Archibong	Y Moore	Y Mitchell
Y Starnes	Y Fauver	Y Martin	Y Norwood
Y Young	B Shook	B Maddox	Y Willis
Y Winslow	Y Muller	Y Sheperd	NV Borders

04-O-1292

**04-0 -1292**  
(Do Not Write Above This Line)

AN ORDINANCE  
BY: ZONING COMMITTEE

Z-04-62

AN ORDINANCE TO REZONE FROM THE C-1 (COMMUNITY BUSINESS) DISTRICT AND THE R-4A (SINGLE-FAMILY-RESIDENTIAL) DISTRICT TO THE PD-MU (PLANNED DEVELOPMENT-MIXED USE) DISTRICT, PROPERTY LOCATED AT 2011 BOLTON ROAD, N.W., FRONTING APPROXIMATELY 580 FEET ON THE WESTERLY SIDE OF JAMES JACKSON PARKWAY BEGINNING AT THE SOUTHWEST CORNER OF BOLTON ROAD. DEPTH: VARIES; AREA: 6.12 ACRES; LAND LOT 256, 17<sup>TH</sup> DISTRICT, FULTON COUNTY, GEORGIA. OWNER: MARK G. HARRISON APPLICANT: DILLON BAYNES NPU-D COUNCIL DISTRICT 9

**ADOPTED BY**

☒ CONSENT REFER OCT 04 2004

☒ REGULAR REPORT REFER **COUNCIL**

☐ ADVERTISE & REFER

☐ 1st ADOPT 2nd READ & REFER

☐ PERSONAL PAPER REFER

Date Referred 7/19/2004

Referred To: ZIRB: Zoning

Date Referred

Referred To:

Date Referred

Referred To:

First Reading  
Committee Date 7/19/2004  
Chair Referred To: Council District 9

Committee Date 7/19/2004  
Chair

Action  
Fav, Adv, Hold (see rev. side)  
Other

Members

Refer To

Committee Date 7/19/2004  
Chair

Action  
Fav, Adv, Hold (see rev. side)  
Other

Members

Refer To

Committee Date 7/19/2004  
Chair

Action  
Fav, Adv, Hold (see rev. side)  
Other

Committee

Date

Chair

Action  
Fav, Adv, Hold (see rev. side)  
Other

Members

Refer To

Committee

Date

Chair

Action  
Fav, Adv, Hold (see rev. side)  
Other

Members

Refer To

**CERTIFIED**

**FINAL COUNCIL ACTION**  
☒ 2nd ☐ 1st & 2nd ☐ 3rd  
Readings  
☐ Consent ☐ V Vote ☒ RC Vote

**CERTIFIED**  
OCT 04 2004  
ATLANTA CITY COUNCIL PRESIDENT  
[Signature]

**MAYOR'S ACTION**

**MAYOR**



City Council  
Atlanta, Georgia

**04-O-2303**

AN ORDINANCE  
BY: ZONING COMMITTEE

**Z-04-138**  
Date Filed: 11-09-04

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

SECTION 1. That the Zoning Ordinance of the city of Atlanta be amended, and the maps established in connection therewith be changed so that the following property located at **180 Jackson Street and 382 John Wesley Dobbs, N.E. (a.k.a. 390 Irwin Street)** be changed from the RG-4 (Residential General – Sector 4) District to the MRC-3 (Mixed Residential-Commercial) District, to wit:

ALL THAT TRACT or parcel of land lying and being in Land Lot 46 of the 14th District, Fulton County, Georgia, being more particularly described by the attached legal description.

SECTION 2. That this amendment is approved under the provisions of Chapter 19 entitled, "Planned Development District", and Chapter 19A through Chapter 19D (as applicable) of the Zoning Ordinance of the City of Atlanta, and the Director, Bureau of Buildings, shall issue a building permit for the development of the above described property only in compliance with the applicable provisions of these Chapters and with the attached conditions.

SECTION 3. That the maps referred to, now on file in the Office of the Municipal Clerk, be changed to conform with the terms of this ordinance.

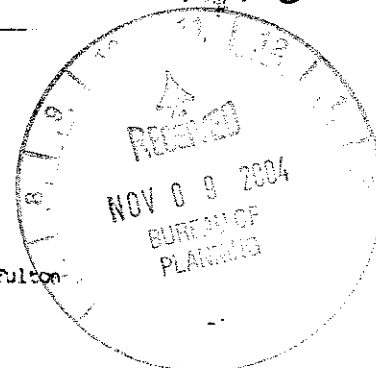
SECTION 4. That all ordinances or parts of ordinances in conflict with the terms of this ordinance are hereby repealed.

Project Nos. 061-35001/55023  
Wheat Street Gardens II AND III  
Atlanta, Georgia

2-04-178

## Atlanta Overlook Apartments

EXHIBIT "A"



Situated in the City of Atlanta, in Land Lot 46 of the 14th District of Fulton County, Georgia, and being more particularly described as follows:

**BEGINNING** at a point on the west side of Jackson Street (225.10) feet north from the intersection of said side of Jackson Street with the northwesterly side of Houston Street; thence south 89 degrees 18 minutes west (100) feet; thence south 0 degrees 24 minutes west (90) feet; thence south 88 degrees 17 minutes west (45.34) feet; thence south 74 degrees 7 minutes west (123) feet; thence south 7 degrees 53 minutes east (110) feet; thence north 89 degrees 24 minutes west (116) feet; thence north 0 degrees 36 minutes east (60) feet; thence north 89 degrees 24 minutes west (264) feet; thence north 0 degrees 36 minutes east (305) feet to the south side of the Expressway right-of-way; thence south 89 degrees 59 minutes east (239.10) feet along said side of the Expressway right-of-way; continuing south 76 degrees 30 minutes east (48.7) feet along said side of the Expressway right-of-way; continuing south 83 degrees 14 minutes east (340.05) feet along said side of the Expressway right-of-way to the west side of Jackson Street; thence south 0 degrees 37 minutes east along said side of Jackson Street (84.85) feet to the point of beginning, said tract containing 160,000 square feet, as shown on survey by Joe W. Arnold Co., Engineers, dated September 26, 1967.

ALSO

**BEGINNING** at the corner formed by the intersection of the north side of Irwin Street and the west side of Jackson Street, and running thence north 89 degrees 24 minutes 30 seconds west along the north side of Irwin Street (192.70) feet, thence running north 0 degrees 29 minutes east (112.27) feet; thence running south 82 degrees 55 minutes west (57.53) feet; thence running south 89 degrees 13 minutes west (51.80) feet; thence running south 76 degrees 33 minutes west (66.40) feet; thence running north 4 degrees 38 minutes west (6.62) feet; thence running south 80 degrees 9 minutes west (57.84) feet; thence running north 2 degrees 52 minutes west (11.47) feet; thence running south 80 degrees 41 minutes west (54.58) feet; thence running south 3 degrees 38 minutes east (35.14) feet; thence running north 89 degrees 4 minutes west (32.74) feet; thence running south 0 degrees 59 minutes west (50) feet to the north side of Irwin Street, thence running north 89 degrees 24 minutes 30 seconds west along the north side of Irwin Street (100) feet; thence running north 0 degrees 54 minutes east (216.5) feet, thence north 0 degrees 36 minutes east (217.8) feet; thence south 89 degrees 24 minutes east (264) feet; thence south 0 degrees 36 minutes west (60) feet; thence south 89 degrees 24 minutes east (116) feet; thence north 7 degrees 53 minutes west (110) feet, thence north 74 degrees 7 minutes east (123) feet; thence north 88 degrees 17 minutes east (45.5) feet; thence north 0 degrees 24 minutes east (90) feet; thence north 89 degrees 16 minutes east (100) feet to the west side of Jackson Street; thence south 0 degrees 24 minutes west (124.20) feet along said side of Jackson Street; thence north 89 degrees 23 minutes west (147.78) feet; thence south 0 degrees 42 minutes east (2) feet; thence south 74 degrees 7 minutes west (86.8) feet; thence south 7 degrees 53 minutes east (147.8) feet to the northwesterly side of Houston Street; thence south 18 degrees 9 minutes 10 seconds east (55.88) feet to the southeasterly side of Houston Street; thence north 71 degrees 50 minutes 30 seconds east along the southeasterly side of Houston Street (202.38) feet to the west side of Jackson Street; thence south 0 degrees 20 minutes west (333.55) feet along the west side of Jackson Street to the point of beginning, said tract containing 5.256 acres as shown on survey by Joe W. Arnold Co., Engineers, dated September 26, 1967.

City Council  
Atlanta, Georgia

**04-O-2304**

AN ORDINANCE  
BY: ZONING COMMITTEE

Z-04-139  
Date Filed: 11-09-04

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

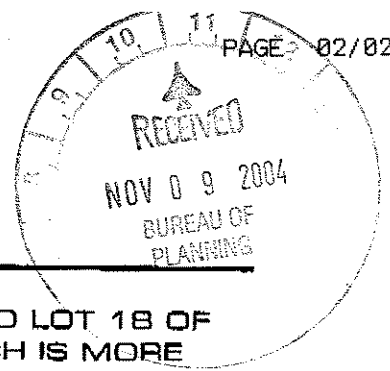
SECTION 1. That the Zoning Ordinance of the city of Atlanta be amended, and the maps established in connection therewith be changed so that the following property located at **616-620 Angier Avenue, N.E.** be changed from I-1 (Light Industrial) District to the LW (Live Work) District, to wit:

ALL THAT TRACT or parcel of land lying and being in Land Lot 18 of the 14<sup>th</sup> District, Fulton County, Georgia, being more particularly described by the attached legal description.

SECTION 2. If this amendment is approved under the provisions of Section 16-02.003 of the Zoning Ordinance of the City of Atlanta, entitled, "Conditional Development", as identified by the use of the suffice "C" after the district designation in Section 1 above, the Director, Bureau of Buildings, shall issue a building permit for the development of the above-described property only in compliance with the attached conditions. Any conditions hereby approved (including any conditional site plan) do not authorize the violation of any district regulations. District regulation variances can be approved only by application to the Board of Zoning Adjustment.

SECTION 3. That the maps referred to, now on file in the Office of the Municipal Clerk, be changed to conform with the terms of this ordinance.

SECTION 4. That all ordinances or parts of ordinances in conflict with the terms of this ordinance are hereby repealed.



**LEGAL DESCRIPTION**

ALL THAT TRACT OR PARCEL OF LAND LYING IN LAND LOT 18 OF THE 14<sup>TH</sup> DISTRICT, FULTON COUNTY, GEORGIA WHICH IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

2-04-139

BEGINNING AT A REBAR FOUND SET 152.4 FEET ALONG THE NORTHERN SIDE OF THE ANGIER AVE. R/W TO THE EASTERLY R/W OF GLEN IRIS DRIVE, RUN THENCE NORTH 01 DEGREES 49 MINUTES 38 SECONDS EAST FOR A DISTANCE OF 180.61 FEET TO AN IRON PIN FOUND;

RUN THENCE NORTH 89 DEGREES 27 MINUTES 19 SECONDS EAST FOR A DISTANCE OF 100.57 FEET TO A POINT;

RUN THENCE SOUTH 01 DEGREES 27 MINUTES 01 SECONDS WEST FOR A DISTANCE OF 184.51 FEET TO AN OPEN TOP FOUND;

RUN THENCE NORTH 88 DEGREES 12 MINUTES 34 SECONDS WEST A DISTANCE OF 51.33 FEET TO AN OPEN TOP FOUND;

RUN THENCE NORTH 88 DEGREES 26 MINUTES 57 SECONDS FOR A DISTANCE OF 50.31 FEET ALONG THE NORTHERLY RIGHT OF WAY OF ANGIER AVE. TO THE POINT OF BEGINNING.

SAID TRACT OR PARCEL CONTAINS 0.424 ACRES.

City Council  
Atlanta, Georgia

**04-O-2305**

AN ORDINANCE  
BY: ZONING COMMITTEE

**Z-04-140**  
Date Filed: 11-09-04

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

SECTION 1. That the Zoning Ordinance of the city of Atlanta be amended, and the maps established in connection therewith be changed so that the following property located at **1761 Flat Shoals Road, S.E. (a.k.a. 1031 Leah Lane)** be changed from the R-4 (Single-Family Residential) District, to the PD-H (Planned Development-Housing) District, to wit:

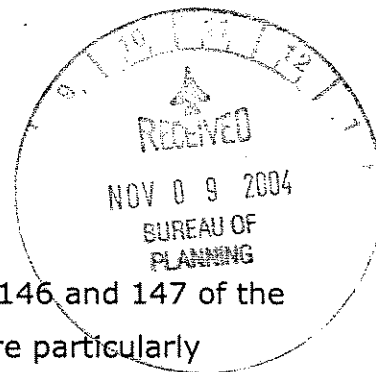
ALL THAT TRACT or parcel of land lying and being in Land Lots 146 & 147 of the 15<sup>th</sup> District, Dekalb County, Georgia, being more particularly described by the attached legal description.

SECTION 2. That this amendment is approved under the provisions of Chapter 19 entitled, "Planned Development District", and Chapter 19A through Chapter 19D (as applicable) of the Zoning Ordinance of the City of Atlanta, and the Director, Bureau of Buildings, shall issue a building permit for the development of the above described property only in compliance with the applicable provisions of these Chapters and with the attached conditions.

SECTION 3. That the maps referred to, now on file in the Office of the Municipal Clerk, be changed to conform with the terms of this ordinance.

SECTION 4. That all ordinances or parts of ordinances in conflict with the terms of this ordinance are hereby repealed.

Z-04-140



**LEGAL DESCRIPTION**

ALL THAT TRACT or parcel of land lying and being in Land Lots 146 and 147 of the 15<sup>th</sup> Land District of DeKalb County, Georgia, which tract is more particularly described as follows:

To find the Point of Beginning, Commence at the corner of Land Lots 142, 143, 146 and 147 and running along the West line of Land Lot 147 North 00 degree 15 minutes 40 seconds East a distance of 1517.51 feet to a point, said point being the Point of Beginning.

Thence South 89 degrees 58 minutes 50 seconds West, a distance of 155.07 feet to a point;  
Thence North 89 degrees 25 minutes 31 seconds West, a distance of 367.13 feet to a point;  
Thence South 88 degrees 49 minutes 51 seconds West, a distance of 43.28 feet to a point;  
Thence North 27 degrees 15 minutes 33 seconds East, a distance of 797.40 feet to a point;  
Thence South 62 degrees 41 minutes 16 seconds East, a distance of 125.00 feet to a point;  
Thence South 27 degrees 37 minutes 11 seconds West, a distance of 5.00 feet to a point;  
Thence South 57 degrees 31 minutes 32 seconds East, a distance of 111.63 feet to a point;  
Thence South 00 degrees 15 minutes 40 seconds West, a distance of 284.06 feet to a point;  
Thence South 83 degrees 44 minutes 50 seconds East, a distance of 36.32 feet to a point;  
Thence South 00 degrees 15 minutes 30 seconds West, a distance of 123.73 feet to a point at the beginning of a curve;

Thence along a curve to the right having a radius of 211.00 feet and a distance of 3.11 feet, said curve being subtended by a chord with bearing and distance of South 82 degrees 12 minutes 44 seconds East 3.11 feet to a point;

Thence South 81 degrees 47 minutes 28 seconds East tangent to said curve, a distance of 97.67 feet to a point of cusp on a curve;

Thence along a curve to the left having a radius of 525.00 feet and a distance of 50.09 feet, said curve being subtended by a chord with bearing and distance of South 11 degrees 13 minutes 57 seconds West 50.07 feet to a point;

Thence North 81 degrees 47 minutes 28 seconds West, a distance of 95.03 feet to a point at the beginning of a curve tangent to said line;

Thence along a curve to the left having a radius of 161.00 feet and a distance of 22.28 feet, said curve being subtended by a chord with bearing and distance of North 85 degrees 45 minutes 16 seconds West 22.26 feet to a point;

Thence North 89 degrees 43 minutes 04 seconds West tangent to said curve, a distance of 10.09 feet to a point;

Thence South 00 degrees 15 minutes 40 seconds West, a distance of 129.92 feet to a point, said point being the Point of Beginning.

Together with and subject to covenants, easements and restrictions of record, said property contains 6.26 acres, more or less.

City Council  
Atlanta, Georgia

**04-O-2306**

AN ORDINANCE  
BY: ZONING COMMITTEE

U-04-29  
Date Filed: 10-21-04

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

SECTION 1. Under the provisions of Section 16-011.005(1)(l), of the Zoning Ordinance of the City of Atlanta, a Special Use Permit for **Outdoor Dining** is hereby approved. Said use is granted to KARL F. BITTER and is to be located at **1920 Howell Mill Road, N.W.** to wit:

ALL THAT TRACT or parcel of land lying and being in Land Lot 153 of the 17<sup>th</sup> District, Fulton County, Georgia, being more particularly described by the attached legal description.

SECTION 2. That this amendment is approved under the provisions of Section 16-25.003 of the Zoning Ordinance of the City of Atlanta, entitled, "Special Use Permits, Procedural Requirements", and the Director, Bureau of Buildings, shall issue a building permit only in compliance with the applicable provisions of this part. The applicable conditional site plan and any other conditions hereby imposed are enumerated by attachment. The Special Use Permit hereby approved does not authorize the violation of any zoning district regulations. District regulation variances can be approved only by application to the Board of Zoning Adjustment.

SECTION 3. That all ordinances or parts of ordinances in conflict with the terms of this ordinance are hereby repealed.

U-04-29

01102146

LEGAL DESCRIPTION

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 153 OF THE 17TH DISTRICT, FULTON COUNTY, CITY OF ATLANTA, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE N.W. CORNER OF HOWELL MILL ROAD AND BECK STREET; RUNNING THENCE N 11° 00' 00" E ALONG THE WESTERLY-MOST RIGHT OF WAY OF HOWELL MILL ROAD, A DISTANCE OF 144.04 FT. TO AN IRON PIN SET; THENCE N 85° 52' 00" W, A DISTANCE OF 185.01 FT. TO AN IRON PIN SET; THENCE N 09° 04' 30" E, A DISTANCE OF 33.00 FT. TO AN IRON PIN SET; THENCE N 85° 53' 08" W, A DISTANCE OF 52.81 FT. TO AN IRON PIN SET; THENCE S 09° 32' 52" W, A DISTANCE OF 146.92 FT. TO AN IRON PIN SET ON THE NORTHERLY-MOST RIGHT OF WAY OF BECK STREET; THENCE S 78° 35' 00" E ALONG THE NORTHERLY-MOST RIGHT OF WAY OF BECK STREET, A DISTANCE OF 233.50 FT. TO A CHISEL MARK IN CONCRETE, AND THE POINT OF BEGINNING. SAID ABOVE DESCRIBED TRACT CONTAINING 0.7359 ACRES.

DEED & PLAT REFERENCES

WARRANTY DEED, DEED BOOK 1703, PAGE 297  
 WARRANTY DEED, DEED BOOK 4893, PAGES 357 & 359  
 WARRANTY DEED, DEED BOOK 5545, PAGE 118  
 WARRANTY DEED, DEED BOOK 1799, PAGE 99  
 WARRANTY DEED, DEED BOOK 3066, PAGE 194  
 WARRANTY DEED, DEED BOOK 5296, PAGE 198  
 WARRANTY DEED, DEED BOOK 2910, PAGE 403  
 WARRANTY DEED, DEED BOOK 5448, PAGE 507  
 LEASE AGREEMENT, DEED BOOK 2854, PAGE 65  
 MEMORANDUM OF LEASE, DEED BOOK 4898, PAGE 238  
 WARRANTY DEED, DEED BOOK 7992, PAGES 403-406  
 WARRANTY DEED, DEED BOOK 8142, PAGE 190 (RIGHT OF WAY)  
 GA. POWER EASEMENT, DEED BOOK 8014, PAGES 261-266 (BLANKET)  
 PLAT, PLAT BOOK 89, PAGE 100  
 PLAT, PLAT BOOK 2, PAGES 194 & 195  
 TOPO & BOUNDARY SURVEY FOR SHELL OIL COMPANY DATED FEBRUARY 25, 1966 BY C. R. ROBERTS.

DEED BOOK 7983, PAGE 30,  
 INDEMNITY AGREEMENT

TOPO SURVEY FOR RED & BALDWIN DATED MARCH 1958 BY L. H. FITZPATRICK, C.E.  
 BOUNDARY & TOPO SURVEY FOR HARDEE'S FOOD SYSTEMS, INC. BY COFER TECHNICAL SERVICES, INC. DATED JULY 11, 1981, LAST REVISED DECEMBER 9, 1982.

SURVEY NOTES:

1. TRACT SHOWN IS A PORTION OF HARDEE'S TOTAL TRACT. DIVIDING LINE IS PER AGREEMENT FOR SELL OFF OF WESTERLY PORTION OF TRACT, AS BEING COORDINATED WITH WAYNE KING AND BOB KERSTIENS OF HARDEE'S PMI.
2. 5 FT. RIGHT OF WAY DEDICATION TO CITY OF ATLANTA AT HOWELL MILL ROAD SINCE DATE OF ORIGINAL SURVEY.
3. ENCROACHMENTS INCLUDE LIGHT POLE & BASE @ NORTHERLY PROPERTY LINE AND LIGHT BASE @ SOUTHERLY PROPERTY LINE AND CONCRETE SIDEWALK ENCROACHING ACROSS SOUTHEASTERLY CORNER. MARTA BUS STOP WITH CONCRETE BLOCK WALLS AND BRICK WALK EXIST @ S.E. CORNER. CONCRETE DRIVE 1.15' OVER S.W. CORNER.
4. EASEMENTS OF RECORD AS SHOWN RECORDED ABOVE, INCLUDING GEORGIA POWER EASEMENT, PER DEED BOOK 8014, PAGE 261. SLOPE EASEMENT WITH GULF OIL ALLOWED PLACEMENT OF FILL MATERIAL @ NORTHERLY PROPERTY LINE.
5. SIGN SIZE, HEIGHT & LOCATION PER VARIANCE GRANTED BY CITY OF ATLANTA.
6. WESTERLY PORTION OF SITE WAS ORIGINALLY ZONED R-5. CITY ALLOWED A PORTION OF HARDEE'S DEVELOPMENT INTO THAT ZONE.

BUILDING SETBACKS

FRONT STREET - 40' BACK OF RIGHT OF WAY  
 LEFT SIDE STREET - 30' BACK OF RIGHT OF WAY  
 RIGHT SIDE YARD - 0' TO PROPERTY LINE  
 0' TO PROPERTY LINE @ C-1 ZONE.

*Out door  
 patio for section  
 not allowed.  
 Special use  
 Permit required*

*1) interior alt  
 2) mixed site work  
 No addition*

*3) No sign  
 under this  
 permit*

30.5)

CITY OF ATLANTA  
 BUREAU OF BUILDINGS  
 ZONING REVIEW  
 WITH NOTES  
 APPROVED  
 18/8/04  
 Date  
 AS RECD  
 Reviewed By  
 MS. BACKFELD  
 X6191

AS

INTERIORS

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ALL

404.00

ATTACHED C

MEX

192

Atl

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City Council  
Atlanta, Georgia

**04-O-2307**

AN ORDINANCE  
BY: ZONING COMMITTEE

U-04-30/U-82-5  
Date Filed: 11-09-04

AN ORDINANCE TO AMEND ORDINANCE U-82-5, ADOPTED BY CITY COUNCIL MAY 3, 1982 AND APPROVED BY THE MAYOR MAY 4, 1982 APPROVING A SPECIAL USE PERMIT FOR A CEMETERY, PROPERTY LOCATED AT 1990 **JONESBORO ROAD, S.E.** FOR THE PURPOSE OF APPROVING AN AMENDED SITE PLAN.

OWNER: SOUTH-VIEW CEMETERY ASSOCIATION

APPLICANT: WINIFRED WATTS HEMPHILL

NPU-Z

COUNCIL DISTRICT 1

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

SECTION 1. That the currently adopted site plan governing the development approved by Ordinance U-82-5 entitled "South View memorial Park" prepared by Jerry T. Canupp, Landscape Architect, Madison Ga., marked received by the Bureau of Planning March 22, 1982 is hereby deleted and a revised site plan entitled "New Mausoleum South View Cemetery" prepared by McCleskey Professional Services, dated November 4, 2004 and marked received by the Bureau of Planning November 9, 2004 is hereby adopted in lieu there of.

SECTION 2. The all other conditions governing the development of the property shall remain in full force and effect except to the extent that they maybe modified by inference consequent to the adoption of the above referenced amended site plan

SECTION 3. That a copy of Ordinance U-82-5 is hereby attached for reference purposes.

SECTION 4. That all ordinances or parts of ordinances in conflict with the terms of this ordinance are hereby repealed.

SUBSTITUTE

AN ORDINANCE  
BY: ZONING COMMITTEE

U-82- 5  
DATE FILED 4-27-82

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, as follows:

SECTION 1. Under the provisions of Chapter 25, Section 16-25.001, of the 1982 Zoning Ordinance of the City of Atlanta, a Special Use Permit for Cemetery \_\_\_\_\_ to be located at \_\_\_\_\_ Jonesboro Road \_\_\_\_\_ is hereby granted to Southview Cemetery Association \_\_\_\_\_ for that tract or parcel of land lying and being in Land Lot 39 of the 14th District, Fulton County, Georgia, being more particularly described as follows:

BEGINNING at a point on the northeast corner of Jonesboro; thence running nine hundred and twenty four (924) feet northeast along Schoen Street to a point; thence running southeast five hundred and twenty (520) feet along Richmond Avenue to a point; thence in a southwesterly direction 434 feet to a point; thence continuing in a southwesterly direction 79 feet to a point; thence south 191 feet to a point; thence southwesterly 216 feet to a point on the northeast right of way of Jonesboro Road; thence northwest along the said right of way 320 feet to a point; thence continuing northwest along said right of way 119.3 feet to a point; thence continuing northwest along said right of way 79.5 feet to a point, said point being the intersection of the northeast side of Jonesboro Road with the southeast side of Schoen Street and the Point of beginning.

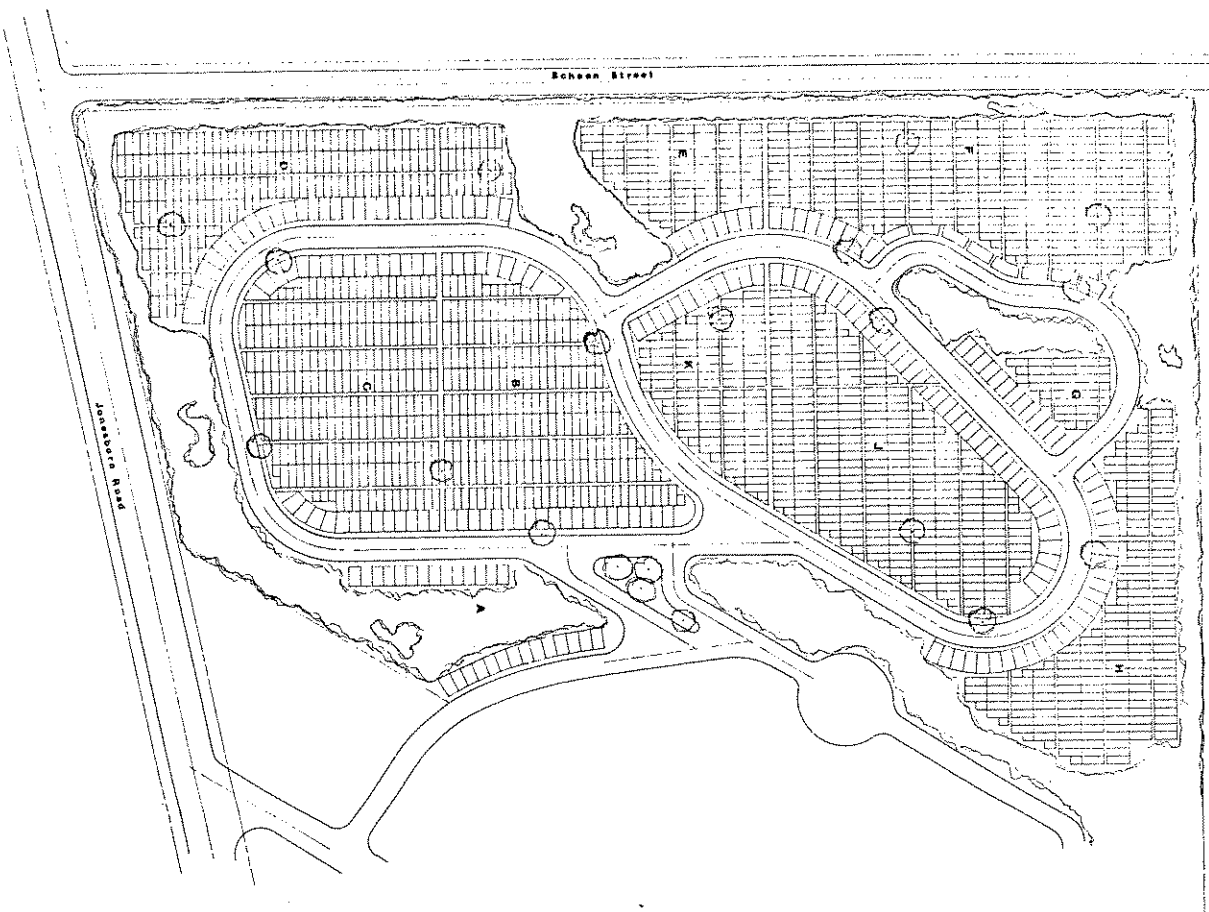
SECTION 2. This is amendment is approved under the provisions of Section 16-25.002 entitled "Special permits, general" Chapter 25 Special Permits of the 1982 Zoning Ordinance of the City of Atlanta. The Director of the Bureau of Buildings shall issue a building permit only in compliance with the following conditions. NOTE: This site plan hereby approved does not authorize the violation of any zoning district regulations. District regulation variances or exceptions may be approved only by application to the City of Atlanta Board of Zoning Adjustment.

1. That the site be developed according to a site plan entitled "South View Memorial Park, for South View Cemetery Assoc., designed by Jerry T. Canupp, Landscape Architect, Madison, Ga., and dated received by the City of Atlanta Zoning Division, March 22, 1982
2. That a 10 foot strip of land in the new cemetery section shall be donated to the City of Atlanta for the future widening of Jonesboro Road.
3. That no grave sites or cemetery facilities be placed within a 40 foot strip from the existing right of way line on Jonesboro Road.

SECTION 3. That all ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

A true copy  
*Jerry E. Bender*

ADOPTED by City Council May 3, 1982  
APPROVED by the Mayor May 4, 1982



**South View Memorial Park**  
 For South View Cemetery Assoc.  
 Atlanta, Georgia  
 A Feasibility Study And Master Plan



- Key**
- Property Line
  - Roads
  - Buffer / Steep Slopes
  - Trees
  - Lot / Sections

**Development Data**

Total Tract	10 Ac.
Roads	1100 Ft.
Total Lots	1880

11.8.2.5  
 PREPARED BY  
 CITY OF ATLANTA  
 ZONING DIVISION

Designed By  
 Jerry T. Canupp  
 Architect  
 Madison, Ga.

City Council  
Atlanta, Georgia

**04-O-2308**

AN ORDINANCE  
BY: ZONING COMMITTEE

U-04-31/U-03-04  
Date Filed: 10-15-04

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

SECTION 1. Under the provisions of Section 16-17.005(1)(x) of the Zoning Ordinance a Special Use Permit for a Solid Waste Handling Facility, is hereby approved. Said use is granted to ALLSTATE WASTE, INC. and is to be located at **2670 Jonesboro Road, S.E.**, to wit:

ALL THAT TRACT or parcel of land lying and being in Land Lots 28 & 29 of the 14<sup>th</sup> District, Fulton County, Georgia, being more particularly described by the attached legal description.

SECTION 2. That this amendment is approved under the provisions of Section 16-25.003 of the Zoning Ordinance of the City of Atlanta, entitled, "Special Use Permits, Procedural Requirements", and the Director, Bureau of Buildings, shall issue a building permit only in compliance with the applicable provisions of this part. The applicable conditional site plan and any other conditions hereby imposed are enumerated by attachment. The Special Use Permit hereby approved does not authorize the violation of any zoning district regulations. District regulation variances can be approved only by application to the Board of Zoning Adjustment.

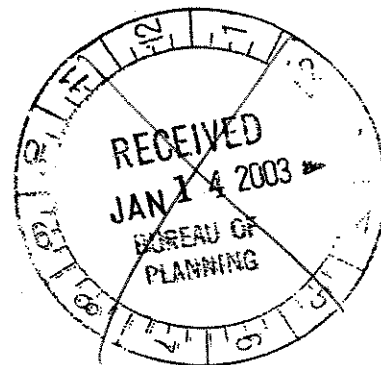
SECTION 3. That all ordinances or parts of ordinances in conflict with the terms of this ordinance are hereby repealed.

## ALLSTATE WASTE

All that tract or parcel of land lying and being in Land Lots 28 and 29 of the 14<sup>th</sup> Land District, City of Atlanta, Fulton County, Georgia, and being more particularly described as follows:

To find the point of beginning, commence at the intersection of the eastern right-of-way line of Jonesboro Road (a variable width right-of-way) and the northern right-of-way line of Cleveland Avenue Extension (an 80' wide right-of-way); thence running along said eastern right-of-way line of Jonesboro Road, 452.5 feet, more or less, to a point and the true POINT OF BEGINNING; Thence leaving said true POINT OF BEGINNING and running along said eastern right-of-way line of Jonesboro Road, 96.23 feet along the arc of a curve to the left, having a radius of 2499.99 feet and being scribed by a chord bearing North 33°33'33" East, 96.22 feet to a point; Thence, North 38°12'59" East, 53.55 feet to a point; Thence, 250.09 feet along a curve to the left, having a radius of 1546.88 feet and being scribed by a chord bearing North 33°35'05" East, 249.82 feet to a point; Thence leaving said eastern right-of-way line of Jonesboro Road and running, South 61°21'59" East, 1037.11 feet to a point; Thence, South 01°51'51" West, 546.80 feet to a point; Thence, North 57°26'40" West, 1325.23 feet to a point on said eastern right-of-way line of Jonesboro Road and the true POINT OF BEGINNING.

Said tract contains 11.8578 acres (516,525 square feet), more or less.

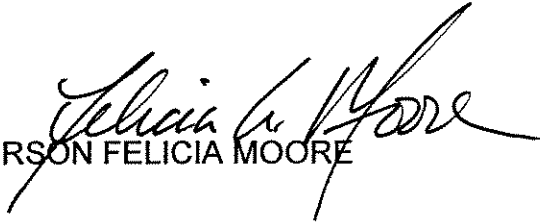


U-03-04  
U-04-31

CITY COUNCIL  
ATLANTA, GEORGIA

04 ○ 2273

AN ORDINANCE  
BY: COUNCILPERSON FELICIA MOORE



**AN ORDINANCE CORRECTING ORDINANCE 04-O-1359 ADOPTED BY CITY COUNCIL NOVEMBER 1, 2004, APPROVED BY THE MAYOR NOVEMBER 5, 2004 REZONING THIRTEEN PROPERTIES AS PART OF THE IMPLEMENTATION OF THE DONALD L. HOLLOWELL PARKWAY REDEVELOPMENT PLAN, SO THAT THE MAP ENTITLED "ATTACHMENT A, EXHIBIT C," INTENDED AS PART OF THE ORIGINAL LEGISLATION, IS INCLUDED.**

**WHEREAS**, ordinance 04-O-1359 referenced thirteen properties for rezoning identified 'as shown on maps in "Attachment A", Exhibits "A" through "C"; and

**WHEREAS**, ordinance 04-O-1359, as adopted by City Council on November 1, 2004, contained only "Attachment A", Exhibits "A" and "B", that together identified only ten properties; and

**WHEREAS**, "Attachment A", Exhibit "C" identifies the remaining three properties to be rezoned as part of the original legislation;

**THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:**

Section 1: That Ordinance 04-O-1359 adopted by the City Council November 1, 2004, approved by the Mayor November 5, 2004, be corrected to include "Attachment A", Exhibit "C", as attached to this ordinance.

Section 2: That the maps referred to, now on file in the Office of the Municipal Clerk, be changed to reflect the terms of this ordinance.

Section 3: That all ordinances or parts of ordinances in conflict with this ordinance shall be repealed.

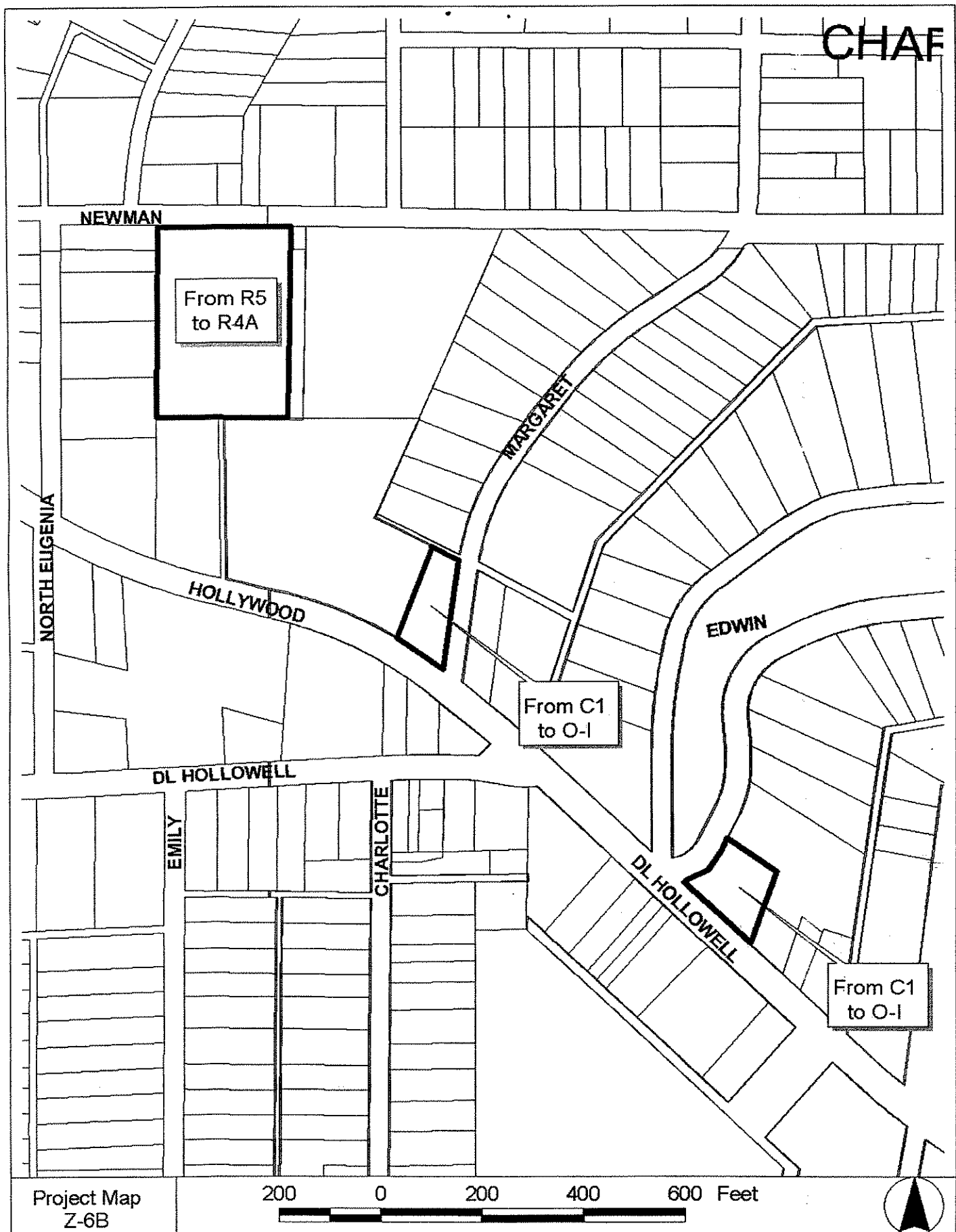


Exhibit C

CITY COUNCIL  
ATLANTA, GEORGIA

AN ORDINANCE  
BY: ZONING COMMITTEE

02-0-0181

Z-02-07

AN ORDINANCE DESIGNATING THE MEDICAL ARTS BUILDING, LOCATED AT 384 PEACHTREE STREET, NW, LAND LOT 50 OF THE 14<sup>TH</sup> DISTRICT OF FULTON COUNTY, GEORGIA AND CERTAIN REAL PROPERTY ON WHICH IT IS LOCATED, TO THE OVERLAY ZONING DESIGNATION OF LANDMARK BUILDING OR SITE PURSUANT TO CHAPTER 20 OF THE ZONING ORDINANCE OF THE CITY OF ATLANTA AND REZONING FROM SPI-1 (CENTRAL CORE) TO SPI-1/LBS (CENTRAL CORE/LANDMARK BUILDING OR SITE); TO REPEAL CONFLICTING LAWS; AND FOR OTHER PURPOSES.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, as follows:

SECTION 1. That the property known as the Medical Arts Building, located at 384 Peachtree Street, NW, Land Lot 50 of the 14<sup>th</sup> District of Fulton County, Georgia, and more fully described as Attachment "A-1" to this ordinance, which attachment is incorporated herein, met the criteria for Landmark Building or Site as set forth in the Nomination Resolution of the Urban Design Commission attached hereto as Attachment "B" and incorporated herein, and is hereby determined to be a Landmark Building or Site pursuant to Chapter 20 of the 1982 Zoning Ordinance of the City of Atlanta, as amended.

SECTION 2. That the 1982 Zoning Ordinance of the City of Atlanta, as amended, is hereby further amended by designating said property described in Attachment "A-1" to the overlay zoning category "Landmark Building or Site" pursuant to Section 16-20.006 of the 1982 Zoning Ordinance of the City of Atlanta, as amended such that all parts of the site described by the metes and bounds description in Attachment "A-2" and any structures located thereon are so designated.



SECTION 3. That the 1982 Zoning Ordinance of the City of Atlanta, as amended, is hereby further amended so as to provide that the subject property bears, in addition to its SPI-1 zoning classification, the overlay designation "Landmark Building or Site," which designation shall be officially abbreviated as "LBS" and shall immediately follow the abbreviation for the existing zoning classification. Said property is subject to all zoning regulations contained in Chapter 20 of the 1982 Zoning Ordinance, as amended, as well as any other applicable laws and regulations.

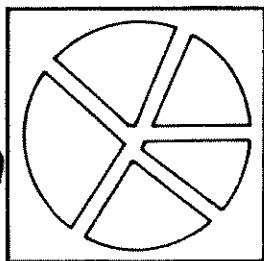
SECTION 4. That all ordinances or parts of ordinances in conflict with this ordinance are repealed.

### **384 PEACHTREE STREET, NW**

All that tract or parcel of land lying and being in Land Lot 50 of the 14<sup>th</sup> District of Fulton County, Georgia and being more particularly described as follows:

Beginning at the point of intersection of the southwest line of the right of way of Interstate Highway Nos. 75 and 85 (also known as the Downtown Connector) and the northwest right of way line of Peachtree Street; thence south 15 degrees 54 minutes 30 seconds west along the northwest right of way line of Peachtree Street a distance of 96.37 feet to the corner of a building; thence north 74 degrees 37 minutes west a distance of 322.74 feet to an iron pin on the southeast right of way line of Alexander Street; thence north 43 degrees 23 minutes 30 seconds east along the southeast right of way line of Alexander Street a distance of 191.92 feet to an "X" placed in concrete; thence south 57 degrees 14 minutes 30 seconds east along the southwest right of way line of the Downtown Connector a distance of 244.67 feet to the Point of Beginning, containing 0.88666 acres and being fully shown on a plat of survey for Peter E. Blum by Watts & Browning Engineers, dated August 15, 1973.





ATLANTA  
URBAN DESIGN  
COMMISSION

ATLANTA CITY HALL  
55 TRINITY AVENUE, SW  
SUITE 3400  
ATLANTA, GEORGIA 30335-0331  
(404) 330-6200

N-01-03

**RESOLUTION**

**Whereas**, the Executive Director of the Atlanta Urban Design Commission initiated the nomination process by mailing the appropriate Notice of Intent to Nominate to the property owners of the MEDICAL ARTS BUILDING pursuant to Subsection (b) of the City of Atlanta Code of Ordinances, Section 16-20.005 Nominations; and

**Whereas**, the Executive Director has caused to be conducted extensive research regarding this proposed nomination and has compiled a written report stating the findings and recommendations regarding the historic, architectural and cultural significance of said nomination pursuant to Subsection (d) of said code section, which report, Exhibit "A", is attached to this resolution and is hereby incorporated by this reference; and

**Whereas**, a public hearing was held by this Commission to consider said nomination after appropriate public notice was provided as required by Subsection (e) of said code section; and

**Whereas**, this Commission has reviewed and considered said designation report as well as all other testimony, documentation and other evidence presented to it, including the testimony of all interested members of the public and property owners pursuant to Subsection (e) of said code section; and

**Now, therefore be it resolved** by the Urban Design Commission of the City of Atlanta as follows:

**Section 1.** That the designation report prepared by the Executive Director of the Urban Design Commission is hereby adopted by this Commission and shall constitute the Findings of Fact upon which this nomination is based.

**Section 2.** That the Commission hereby determines that the Medical Arts Building, a map of which delineating all boundaries, as well as a metes and bounds description, of the property are attached hereto as Exhibit "B" and "C", hereby incorporated by this reference, is architecturally, historically, and culturally significant and is hereby determined to be eligible for designation to the category of Landmark Building or Site (LBS) as meeting at a minimum, the eligibility criteria set forth in Section 16-20.004(b)(1), specifically including subsections b. and c. of this code section. The Medical Arts Building is located at 384 Peachtree St., NW, in Land Lot 50 of the 14<sup>th</sup> District of Fulton County, Georgia.

**Section 3.** That the Commission hereby further determines that said Medical Arts Building meets the criteria set forth in Section 16-20.004(b)(2)a., specifically including those criteria in the following groups: Group I (2) (3); Group II (1) (2) (3) (9) (10) (11); and Group III (2) (3).

**Section 4.** That the Commission having determined that the Medical Arts Building meets or exceeds the criteria set forth herein, hereby nominates the Medical Arts Building to the category of Landmark Building or Site (LBS), pursuant to Section 16-20.005(e)(3).

**Section 5.** That the Commission hereby directs the Executive Director to transmit this resolution including all supporting documentation to the Chair of the Zoning Committee of the Atlanta City Council, to the Commissioner of the Department of Planning, Development and Neighborhood Conservation, and to notify by first class mail the owners of the Medical Arts Building.

Approved and nominated by the Atlanta Urban Design Commission on January 9, 2002.



Spencer Tunnell, Chair  
Atlanta Urban Design Commission

MEDICAL ARTS BUILDING  
384 Peachtree Street, NW  
Fronting 97' on the west side of  
Peachtree Street  
14<sup>th</sup> District, Land Lot 50  
Fulton County, City of Atlanta  
Existing Zoning: SPI 1

N-01-3  
Proposed Designation  
Landmark Building or Site-  
Exterior

Constructed: 1926-1927  
Architect: G. Lloyd Preacher

### SIGNIFICANCE/ANALYSIS

The Medical Arts Building is closely associated with the growth and development of Atlanta as a major medical center for Georgia and the Southeast United States. Since the 1850s, Atlanta has been a magnet for doctors, patients, and medical facilities. With the establishment of medical and dental schools, hospitals, nursing schools, clinics, and office facilities, the city established its regional predominance in the field, a position it maintains to this day. The economic significance of the medical community has meant a more diversified local economy, which has proven largely recession proof in its medical segment. The large and numerous medical facilities, which have been located in Atlanta since its earliest years, have attracted patients and financial resources from throughout the South. The Medical Arts Building was the first high-rise office building constructed specifically for medical professionals. In fact, it was financed and developed by private doctors, thus strengthening its historical connection with the profession. The construction of the Medical Arts Building north of the central business district also shows the growth of the city along Peachtree Street and the importance of the automobile in directing the flow of urban development during the 1920s. Finally, the building is significant as the work of the major architectural firm of G. Lloyd Preacher.

### THE MEDICAL PROFESSION IN ATLANTA

The first medical doctor, Joshua Gilbert, arrived in Atlanta in the mid-1840s when the city was still named Marthasville. According to one historian, there were three doctors in the city's elite in 1848 and in 1852, Dr. Thomas Gibbs was elected mayor. Even in this first decade of the little railroad community's existence, these doctors were talking about establishing a medical school. The Atlanta Medical College was incorporated in 1854 and the first commencement was held in September 1855. By 1860, there were 160 students. In December 1857, the state legislature granted the college \$15, 000 to defray the cost of the college building as well as a library and museum. In addition, this legislative act provided that one student from each of the state's congressional districts would be able to attend the college free. Thomas Martin states in his 1902 Atlanta and Its Builders that the best area physicians began to cluster in Atlanta and to build

a reputation beyond the locality. As a railroad center which made for easy access and due to a reputation for a healthy climate immune to the extremes of heat and cold found in most other parts of the United States, Atlanta attracted patients from an ever widening geographical sphere of influence during the 1800s.

These early doctors, however, did much more. They created one of the nation's first professional organizations, the Atlanta Medical Association. This group established a fee schedule for medical services and published a code of ethics as it ". . . actively sought to standardize and uplift their organization." The doctors involved also published the Atlanta Medical and Surgical Journal and pushed the city council to hire a city physician to serve the indigent. By 1860 nine doctors were considered to be among the small city's leading citizens.

During the Civil War, Atlanta served as a medical center, and prior to its capture in 1864, many doctors gained a great deal of practical experience treating the wounded and sick. After the war, the Atlanta Medical College re-opened and even more physicians set up practice in the city. By 1870 the Fulton County Medical Society and the Atlanta Academy of Medicine had been created. These were followed in 1885 by the Atlanta Society of Medicine. In 1879 a new school, the Southern Medical College, was established and actively competed with the older Atlanta Medical College for staff and students. Along with the Ladies Hospital Association, this new college set up its own hospital in 1882 and its own dental school in 1887. In the 1890s, the Atlanta Dental School was established, thus giving the city two such schools. The last significant medical school established in Atlanta in the nineteenth century was the 1883 Georgia College of Eclectic Medicine and Surgery (having previously operated in Forsyth and Macon, Georgia since 1839), which graduated the city's first woman, Rosa Freudenthal.

The Southern Medical College and the Atlanta Medical College merged in 1898 to form the Atlanta College of Physicians and Surgeons. Thomas Martin stated that this merger made Atlanta ". . . the center and seat of medical science in the Southern states." Soon, degrees were being awarded to students from as far away as Mexico and Massachusetts. Many of these future physicians obtained valuable experience by working in school clinics set up to serve the patients of nearby Grady Hospital. As Martin somewhat callously stated, "Eleven railroads centering here, and the numerous manufacturing establishment in and about the city furnish a constant and ample supply of surgical cases."

Meanwhile, Atlanta was becoming a major center for schools and colleges for African-Americans. Virtually all the Georgia schools begun for African-Americans during these early years were centered in Atlanta and a large proportion of the students came from the city. Spelman Seminary (later college) trained nurses and two of Morris Brown's 1898 graduates (the first time four year degrees were granted by that institution) went on to graduate school and received medical

degrees. Dr. William Lane returned to Atlanta and practiced medicine locally. By 1930 the African-American Mercy Hospital had been certified by the State Board of Examiners of Nurses to train and graduate nurses. Eventually, the prestigious Morehouse School of Medicine would grow out of these early educational institutions.

Hospitals proliferated quickly between 1880 and 1890. The first was St. Joseph's Infirmary in 1881, the Home for the Incurables, the United States Station Hospital, Florence Crittenton Home, the Elkin-Hooper Sanitarium, and Grady Memorial Hospital (1891), with the separate buildings for whites and blacks and a pediatric building (1896). In the early twentieth century, large general hospitals like Georgia Baptist, Piedmont, Wesley Memorial, Crawford Long, and Emory University Hospital (a successor to the Atlanta College of Physicians and Surgeons) would be built.

Specialty hospitals and clinics were also significant in establishing Atlanta as a regional medical center. These included the only Pasteur Institute in the South for the treatment of rabies, the Atlanta Tuberculosis Association Clinic, Eggleston Hospital for Children, Scottish Rite Hospital for crippled children, and the Steiner Cancer Clinic among others. In 1930 there were 690 physicians in the city with 500 of those in private practice, and 900 registered nurses. Perhaps more interesting, there were 174 specialists or those who "limited" their practice to a specific field, with 25% to 50% of their patients coming from outside Atlanta. This proliferation of medical personnel, hospitals, clinics, and offices has continued to this day.

#### PEACHTREE STREET AND THE MEDICAL ARTS BUILDING

This growth in medical services and facilities reflected the growth of Atlanta's population in the early years of this century as well as its physical expansion. By the 1920s, the automobile had changed forever the building patterns in the city. Doctors no longer needed to practice in the central business district because wealthier patients actually preferred easier access to sites along Peachtree Street and others reaching northward. For many years, Peachtree Street had been the home for the very wealthiest Atlantans and the site of the Medical Arts Building has been occupied since 1884 by the large brick mansion of William S. Everett. This Civil War captain purchased the property in 1883 and had his imposing home designed by one of the city's leading architects, G. L. Norrman. Everett had made his fortune in the post-war Atlanta in the wholesale dry goods business, eventually becoming chief partner in the large firm of Everett-Ridley-Ragan. He died tragically in 1904 when he was thrown from his carriage and both the Atlanta Journal and the Atlanta Constitution gave the event major coverage. Journal editors even wrote an editorial on the death of such a prominent man who "no appeal for the city ever found . . . behindhand, and no movement for the general weal was complete without him."



The property on Peachtree, which Everett had bought in 1883 for \$7,500, was sold to the Medical Building Company in March 1926 for \$121,000. Fulton County Deed Books show that this company issued bonds valued at \$625,000 to erect a twelve-story office building with a three-story garage. The Medical Building Company was headed by H. C. Sauls as president and Grady Cole as secretary. The building permit issued in May stated the cost of the new building to be \$850,000 and that it was to be steel framed with 12" brick walls.

Both H. C. Sauls and Grady Cole were prominent Atlanta doctors. Clay was a member of the Capital City Club and Sauls was president of the Fulton County Medical Society and a member of the Piedmont Driving Club. Sauls had graduated from the Emory University Medical School and was a professor at the same facility as well as president of the Emory Alumni Association. A diplomat of the American Board of Internal Medicine, he also served as president of the Piedmont Hospital Board of Trustees and board chairman of the new Medical Arts Building, the first Atlanta high-rise devoted solely to the medical profession.

The new building had the advantage of being located outside the increasingly congested central business district. The addition of a parking garage also made it very accessible to wealthy patients who were now living further and further north of the city and had the means to own automobiles. At the same time, the medical skyscraper was located near the rail depots, making it convenient for out of town patients seeking specialized treatment. The growing popularity of the shopping and entertainment district just two or three blocks to the south on Peachtree made the site desirable for those making the long automobile "trek" from Buckhead and beyond. When the building opened in 1927, the Junior League ran a lunchroom on the first floor and other amenities included a pharmacy, barber shop, optician, and a Western Union Telegraph office. Of the many doctors who quickly filled the modern new facility, seventeen were members of the elite Capital City Club. There was also a good representation of those doctors who "limited" their practices to a certain medical specialty.

#### ARCHITECT/ARCHITECTURE

The commercial development of Atlanta and Peachtree Street in the 1920s has been consistently noted. It was a decade of massive construction activity in Atlanta in almost all its branches. The announcements of new skyscrapers and multi-story buildings in the local newspapers became almost commonplace. Following the construction of the Equitable Building in 1892, skyscrapers were built with great regularity in the old central business district. Some of the most notable were the Hurt, Flatiron, Healey, Candler, and Grant-Prudential Buildings, which joined Muse's and the former Citizen's and Southern Bank Building (now Nation's Bank/Georgia State University). After a slowdown in construction during World War I and the short economic downturn of the early 1920s, skyscrapers again began to mushroom on Atlanta's skyline. A major addition was made on the Hurt Building and the decade saw the erection of the Bona-Allen, A.T. & T.,

Glenn, and Carnegie Buildings, among many others. The residential character of Peachtree Street north of Ellis Street disappeared as department stores like Davison's (Macy's), Regenstein's, and the J. P. Allen's competed for space with hotels like the Henry Grady and the Winecoff. At the same time, high-rise office buildings were going up in the same area. These included the Rhodes-Haverty, William-Oliver, and W. W. Orr Buildings.

The new Medical Arts Buildings at Peachtree and Forrest Avenue (Ralph MacGill Boulevard) shared many of the basic design characteristics of its contemporaries even though it was unique in being the first such structure built to serve the important local medical community. Steel framed, it had the tripartite features common to this period with a two-story base of limestone, a plain shaft with simple fenestration, and a rather ornate top two stories. The latter featured limestone pilasters separating the same grouping of windows as appear on the shaft, and a heavy, decorative cornice. The outer "skin" of the structure is brick. In the 1960s and 1970s, the ground floor façade was subject to major alterations totaling almost \$100,000. The upper floors, however, retain their original design features.

The building is typical of the work of G. Lloyd Preacher and Company, one of the largest and most successful architectural firms in these years. A native of South Carolina, Preacher was a 1904 graduate of Clemson University in mechanical and electrical engineering. He began his career as a draftsman for the Lombard Iron Works in Augusta, Georgia. By 1909 he had opened his own architectural office and, during the next decade, his Augusta buildings included the major Modjeska Theater, several schools and the Masonic Temple (1917). In 1918 he incorporated as G. Lloyd Preacher & Co., Inc., Architects and Engineers.

Perhaps seeing greater potential for a large firm in Atlanta, he moved to the city in 1921. In a few short years, Preacher had forged one of the largest architectural firms ever seen in his adopted city and the South as a whole. His firm was described as a ". . . group of specialists both in architecture and engineering, trained in the best schools of America and Europe . . ." and presided over by Preacher and later his sons. In 1926 he served as "president of the Georgia state board for the examination and registration of architects . . ." and was active in the Capital City Club and Chamber of Commerce.

During the economic prosperity of the 1920s, Preacher and Company designed almost every type of building throughout the South (417 in seven states), including hotels in Asheville, North Carolina, West Palm Beach and St. Petersburg, Florida, and the Fort Sumter Hotel in Charleston, South Carolina. His business ranged as far away as California with the Biltmore Hotel in Los Angeles. In Atlanta, the firm designed the Carnegie Building, Atlanta City Hall, the Roxy Theatre, the Henry Grady, Cecil, Ansley and Dinkler Hotels, many apartments including those at Pershing Point and the St. Andrews, private residences, and forty-five schools for the rapidly expanding city system of those

years. Some of his major works in this field were Bass and O'Keefe High Schools, Joseph E. Brown School and Highland School.

The world economic depression of the 1930s destroyed Preacher and Company. By 1934 the firm had shrunk dramatically in size and had lost its license to practice in several states due to failure to pay the required state fees. Preacher closed his offices later that year and accepted an executive position with the Federal Home Owners Loan Corporation. He served in several government positions until after World War II when he reopened his architectural practice with offices in New York City and Atlanta. The architect did not prosper as before and in 1954, at age 72, he retired, dying in Atlanta in 1972.

### CONCLUSION

The Medical Arts Building is highly representative of the importance of the medical profession in Atlanta and the architectural growth of the city in the first decades of this century. Since the 1840s, Atlanta has attracted members of the medical profession, who have taken a leading part in the economic development of the city. Doctors have led the way in promoting the growth and professionalization of their fellows by establishing medical schools, societies, publications, hospitals and clinics. As the city became recognized as a center for medical care in the years following the Civil War, many local physicians became economic and social leaders. In the capacity, Drs. H. C. Sauls and Grady Clay engaged in city building by heading the first business to develop a high-rise building strictly for the use of their professional colleagues. By selecting a site north of the old central business district and with a prestigious Peachtree Street address, they showed their awareness of the growth of Atlanta northward toward Buckhead. By incorporating a three-story garage in their plans, they also acknowledged the emergence of the automobile in the changing urban demographics and transportation systems used by their patients in the 1920s – a pattern which has continued to this day.

Finally, the Medical Arts Building is a fine example of a method of office construction (the skyscraper), which reached a high point in this decade before the Great Depression. Its design is typical of the high-rise buildings of the time and of the work of G. Lloyd Preacher. By locating in Atlanta and developing a clientele over a multi-state region, Preacher helped to make his adopted city a regional capital in the field of architecture. He and his firm are prime examples of the advance of Atlanta businessmen, in many professions, to the forefront of leadership in the economic development of the South.

## CRITERIA

Group I: (2) (3)  
Group II: (1) (2) (3) (9) (10) (11)  
Group III: (2) (3)

## FINDINGS

The proposed nomination of the Medical Arts Building meets the above referenced specific criteria as well as the minimum criteria for Landmark Building or Site as set out in Section 16-20.004 of the Code of Ordinances of the City of Atlanta.

## REFERENCES

### Books

Adams, Julian Wade. G. Lloyd Preacher, Southern Architect: A Study of His Career, University of Georgia Master's thesis dated 1987 at the Atlanta History Center.

Atlanta City Directory, 1883-1930.

Atlanta Homes, 1895-1900, Atlanta: Press Byrd Printing Co., 1900.

Bryant, James C. Capital City Club: the First Hundred Years, 1883-1983, Atlanta: Capital City Club, 1991.

Martin, Thomas H. Atlanta and Its Builders, Century Memorial Publishing Company, 1902.

Pioneer Citizens' History of Atlanta, 1833-1902, Atlanta: Byrd Printing Co., 1902.

Sams, Gerald (ed.) AIA Guide to the Architecture of Atlanta, Athens: University of Georgia Press, 1993.

Walton, Jr., Grigsby. New City of the South, 1843-1873, Ph.D. dissertation dated 1973 for Johns Hopkins University at the Atlanta History Center.

Wells, John, and Robert Dalton. The South Carolina Architects, 1885-1935, Richmond: New South Architectural Press, 1992.

Wilson, John S. Atlanta As It Is: Being a Brief Sketch of Its Early Settlers, New York: Little, Rennie & Co., 1871.

## Articles

Brunce, Allen. "Atlanta, Medical Center of the Southeast," City Builders, (Nov. 1930), p. 13.

"Captain W. S. Everett Killed in Accident," Atlanta Journal, 3/31/1904, p. 1.

"Funeral of Capt. Everett At the Residence Friday," Atlanta Journal 3/31/1904.

"Real Estate Notes," Atlanta Constitution, 2/9/1884, p. 7.

"W. S. Everett Killed In a Runaway," Atlanta Journal, 3/30/1904, p. 1.

## Manuscripts/Collections

City of Atlanta Building Permits at the Atlanta History Center.

Fulton County Deed Books at the Fulton County Courthouse.

G. Lloyd Preacher Subject File at the Atlanta History Center.

H. C. Sauls Personality File at the Atlanta History Center.

Sanborn Fire Insurance Maps at the Atlanta History Center.

PEAL

L.L. 79

MARTA CIVIC CENTER STATION

WEST

PEACHTREE SUMMIT GARAGE

PINE

ST.

PEACHTREE

RALPH

The Medical Arts Building

CURRIER

INTERSTATE

COURTLAND

McGILL

BLVD.

EXHIBIT "B"

MEDICAL ARTS BUILDING  
384 PEACHTREE ST.

'86

8/13/84

### 384 PEACHTREE STREET, NW

All that tract or parcel of land lying and being in Land Lot 50 of the 14<sup>th</sup> District of Fulton County, Georgia and being more particularly described as follows:

Beginning at the point of intersection of the southwest line of the right of way of Interstate Highway Nos. 75 and 85 (also known as the Downtown Connector) and the northwest right of way line of Peachtree Street; thence south 15 degrees 54 minutes 30 seconds west along the northwest right of way line of Peachtree Street a distance of 96.37 feet to the corner of a building; thence north 74 degrees 37 minutes west a distance of 322.74 feet to an iron pin on the southeast right of way line of Alexander Street; thence north 43 degrees 23 minutes 30 seconds east along the southeast right of way line of Alexander Street a distance of 191.92 feet to an "X" placed in concrete; thence south 57 degrees 14 minutes 30 seconds east along the southwest right of way line of the Downtown Connector a distance of 244.67 feet to the Point of Beginning, containing 0.88666 acres and being fully shown on a plat of survey for Peter E. Blum by Watts & Browning Engineers, dated August 15, 1973.

RCS# 3435  
2/04/02  
2:35 PM

Atlanta City Council

Regular Session

MULTIPLE

Zoning 1st Reads, Items 1 thru 14

REFER ZRB/ZON

YEAS: 14  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 2  
EXCUSED: 0  
ABSENT 0

02-0-0106 (2-01-95)  
02-0-0107 (2-01-98)  
02-0-0108 (2-01-99)  
02-0-0109 (2-01-100)  
02-0-0110 (2-01-101)  
02-0-0111 (2-01-102)  
02-0-0112 (11-01-54)  
02-0-0113 (11-01-56)  
02-0-0114 (11-01-57)  
02-0-0115 (11-01-58)  
02-0-0116 (11-01-59)  
02-0-0180  
02-0-0181  
02-0-0182

Y Smith	Y Archibong	NV Moore	Y Mitchell
Y Starnes	Y Fauver	Y Martin	Y Norwood
Y Young	Y Shook	Y Maddox	Y Willis
Y Winslow	Y Muller	Y Boazman	NV Woolard

MULTIPLE



RCS# 4705  
5/05/03  
6:13 PM

Atlanta City Council

Regular Session

02-O-0181

Z-02-07; 384 Peachtree St. to Overlay  
Zoning Desig.; SPI-1 to SPI-1/LBS  
REFER ZON

YEAS: 10  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 6  
EXCUSED: 0  
ABSENT 0

Y Smith	NV Archibong	Y Moore	Y Mitchell
NV Starnes	NV Fauver	Y Martin	NV Norwood
Y Young	Y Shook	Y Maddox	Y Willis
Y Winslow	NV Muller	Y Boazman	NV Woolard

02-O-0181

**AN ORDINANCE  
BY COUNCILMEMBER CLAIR MULLER**

**AN ORDINANCE TO AMEND PART 15 OF THE LAND DEVELOPMENT  
CODE OF THE CODE OF ORDINANCES OF THE CITY OF ATLANTA  
TO ALLOW FOR THE CREATION OF CONSERVATION  
SUBDIVISIONS IN THE CITY OF ATLANTA AND TO PROVIDE  
STANDARDS FOR THEIR IMPLEMENTATION; AND FOR OTHER  
PURPOSES.**

**WHEREAS**, the City of Atlanta continues to be one of the fastest growing cities in both the State of Georgia and the United States; and

**WHEREAS**, the continuing population growth in Atlanta will result in increasing demands for dwindling Green Space, Open Space and natural resources and might result in the continuing decline of the city's environment; and

**WHEREAS**, the preservation of Green Space and Open Space is an important step in sustaining the environmental integrity of the City of Atlanta; and

**WHEREAS**, there is a need for broad-based planning to provide for effective protection and conservation of the city's Green Space and Open Space while continuing to allow appropriate development and growth; and

**WHEREAS**, Conservation Subdivisions provide an effective tool in protecting Atlanta's natural diversity and resources while reducing conflicts between the protection the city's Green Space and Open Space and the reasonable use of our land resources for economic development; and

**WHEREAS**, Conservation Subdivisions can provide for the efficient use and protection of our natural and economic resources while promoting greater sensitivity to the importance of preserving our land resource elements; and

**WHEREAS**, Conservation Subdivisions provide a voluntary and effective planning process that can facilitate early coordination to protect the interests of the city and our residents; and

**WHEREAS**, this process should encourage the active participation and support of landowners and others in the conservation and stewardship of our land resources within the City of Atlanta.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE  
CITY OF ATLANTA, as follows:**

SECTION 1: That all of Part 15 of the Land Development Code of the Code of Ordinances of the City of Atlanta shall be deleted in its entirety and replaced with the following:

Part 15

**LAND SUBDIVISION ORDINANCE\***

**Section 15-01.001. Title.**

This part shall be known and may be cited as the "Land Subdivision Ordinance of the City of Atlanta."

**Section 15-02.001. Authority.**

This part is enacted pursuant to the City of Atlanta's exclusive planning authority granted by the Constitution of the State of Georgia, including but not limited to article 9, section 2, paragraph 4, and article 9, section 2, paragraph 3, as well as authority granted by the General Assembly of the State of Georgia, including but not limited to O.C.G.A. section 36-70-3, the City of Atlanta Charter, sections 3-601 through 3-603, 8-115, and Appendix I, subsection 43, the general police powers, and other authority provided by state and local laws applicable hereto.

**Section 15-03.001. Purpose and intent.**

The purpose and intent of the governing authority of the City of Atlanta in enacting this part are as follows:

- (a) To regulate the development of new housing throughout the neighborhoods in the city for persons of all income groups.
- (b) To regulate cost effective housing developments while assuring that minimum standards of public health, safety, and welfare are met.
- (c) To protect and enhance the quality and character of existing neighborhoods while encouraging the development of new subdivisions.
- (d) To promote subdivision layout and housing design so as to promote privacy for residents.
- (e) To provide for the creation and subsequent development of individual building lots in residential zoning districts within the City of Atlanta which are consistent with the requirements of this part; in conformance with the requirements of the Zoning Ordinance, part 16 of this code; in conformance with chapter 38 of this code governing the department of public works; and any other applicable part of this code. To provide residential lot design standards that permits flexibility in order to promote environmentally sensitive and efficient uses of the land
- (f) To provide for the development of one- and two-family housing in which each dwelling unit is arranged in an orderly pattern of development, consistent with the design standards contained in this part, with direct and exclusive access to a public

street so as to assure ease of safe access for the occupants and to assure accessibility in the provision of all public services, including emergency services.

- (g) To provide standards for the development of public streets and sidewalks and of other utility systems to adequately serve all dwelling units.
- (h) To provide through the administration of specific standards and criteria that new development or redevelopment within existing neighborhoods is compatible with the character of the existing neighborhood.
- (i) To assure that individual building lots have adequate width and area and an adequate building site, and, where necessary, because of the existence of wetlands or land within a flood hazard area, or, the creation of a corner lot, to require additional lot width and/or area to assure an adequate building site and an orderly arrangement of housing.
- (j) To assure through the administration of specific standards and criteria that any new development which is otherwise permitted within designated landmark, historic, and conservation districts is consistent with the character of such districts pursuant to this part and to the requirements of chapter 20 of part 16 of this code.
- (k) To assure the provision of open space, landscaped areas and natural areas on residential building lots and to encourage the provision of both public and private common open space.
- (l) To minimize disturbance of natural topography, tree cover, and natural drainage ways.
- (m) To assure the design of new streets, sidewalks and driveways in a manner which will assure safe streets, sidewalks and bikeways.
- (n) To promote the public health and safety by restricting development of new building lots within the floodplain as hereinafter defined.
- (o) To promote safe pedestrian and bikeway systems.
- (p) To support and implement applicable planning and developmental elements of the comprehensive development plan.
- (q) To provide residential lot design standards that permits flexibility in order to promote environmentally sensitive and efficient uses of the land
- (r) To preserve in perpetuity unique or sensitive natural resources such as groundwater, floodplains, wetlands, streams, steep slopes, woodlands and wildlife habitat.
- (s) To preserve important historic and archaeological sites.
- (t) To permit clustering of houses and structures on less environmentally sensitive soils, which will reduce the amount of infrastructure, including paved surfaces and utility easements, necessary for residential development.
- (u) To reduce erosion and sedimentation by minimizing land disturbance and removal of vegetation in residential development.
- (v) To promote interconnected greenways and corridors throughout the community.
- (w) To promote contiguous greenspace with adjacent jurisdictions.
- (x) To encourage interaction in the community by clustering houses and orienting them closer to the street, providing public gathering places and encouraging use of parks and community facilities as focal points in the neighborhood.
- (y) To encourage street designs that reduces traffic speeds and reliance on main arteries.
- (z) To promote construction of convenient landscaped walking trails and bike paths both within the subdivision and connected to neighboring communities, businesses, and facilities to reduce reliance on automobiles.

- (aa) To conserve scenic views by maximizing the number of houses with direct access to open space.

#### **Section 15-04.001. Scope of regulations.**

- (a) This part shall govern the subdivision of land establishing one-family and two-family building lots within the City of Atlanta.
- (b) No permit shall be issued for the development of any one- or two-family building lot until such lot shall have been approved pursuant to the procedures set forth in this part.

#### **Section 15-05.001. Conformance with applicable parts.**

No application for subdivision shall be approved unless each application, including each proposed lot therein, complies with all of the terms of chapters 130, 134, 138 and 154 and part 16 of this Code and with the provisions of Sections 15-06.001 through 15-09.008 *Part A and Part B* of this Part.

#### **Section 15-06.001. Definitions.**

As used in this part, unless specifically stated otherwise, the following terms mean and include:

- (a) *ADT (Average Daily Traffic)* means the average number of vehicles per day that pass over a given point.
- (b) *Alley* means a private street designed to serve only as a secondary means of access to the side or rear of properties whose principal frontage is on a public street.
- (c) *Amenity area* means an area of land that: (1) is held in common ownership by owners of the applicable subdivision; (2) consists of permanent open space; and (3) is permanently maintained by the collective owners.
- (d) *Applicant* means a person submitting an application for land subdivision pursuant to this part.
- (e) *Application* means a formal request for land subdivision made pursuant to this part.
- (f) *Arterial street* means a multilane street that functions to move traffic from one district of the city to another and which is not designed to serve individual residences.
- (g) *Bicycle lane* means a lane within a street that is reserved and marked for the exclusive use of bicycles.
- (h) *Bicycle path* means a pathway, usually separated from the street, designed specifically for bicycling, and upon which motorized traffic is prohibited.

- (i) *Bikeway* means a bicycle lane or a bicycle path.
- (j) *Buildable area* means that area of the lot available for the construction of a dwelling and permissible accessory uses after having provided the required front, side, rear and any other special yards required by this part or by part 16 of this code.
- (k) *Character* means a distinctive quality or set of qualities, not including architectural style, of the natural or built environment that can be identified by prevalent objective features such as street design and pattern, lot pattern, tree cover, topographical conditions, setbacks and similar features by which a street, block, or neighborhood may be distinguished from other streets, blocks or neighborhoods.
- (l) *Collective detention area* means an area of land that is intended to serve as a stormwater collection facility and that meets the definition of amenity area.
- (m) *Common open space* means an undeveloped land with a conservation subdivision that has been designated, dedicated, reserved, or restricted in perpetuity from further development and is set aside for the use and enjoyment by residents of the development. Common open space shall not be a part of individual residential lots. It shall be substantially free of structures, but may contain historic structures and archeological sites including Indian mounds, and/or such recreational facilities for residents as indicated on the approved development plan.
- (n) *Conservation easement* means the grant of a property right or interest from the property owner to a unit of government or nonprofit conservation organization stipulating that the described land shall remain in its natural, scenic, open or wooded state, precluding future or additional development.
- (o) *Conservation subdivision* means residential developments in which a significant portion of the lot is set aside as undivided, permanently protected open space, while houses are clustered on the remainder of the property or which the lot has features which are determined to be contributable to public interest.
- (p) *Cul-de-sac* means a local street with one outlet and having a circular area at its other end for the reversal of traffic movement.
- (q) *Developable Area* means that portion of the buildable area of a lot that does not lie within a floodplain, wetland, area of severe slope, or the required 15-foot setback adjacent to a floodplain set forth in chapter 21 of part 16 of this code.
- (r) *Development envelops* means areas within which grading, lawns, pavement and buildings will be located.
- (s) *Director* means the director, bureau of planning.
- (t) *Final Plat* means the final map of an entire subdivision or the final map of a portion of an entire subdivision that is presented for final approval.

- (u) *Floodplain* means an area or areas of land presently having natural or manmade contours of elevation at or below the base flood elevation shown on the flood hazard district maps adopted as a part of part 16 of this code and those areas of land which are not so shown in the flood hazard district maps where inundation is likely to occur during a base flood as determined from by engineering studies to determine the probable depth of such floodwaters. See section 16-21.003.
- (v) *Historic neighborhood* means any neighborhood which is listed on or is eligible for listing on the National Register of Historic Places established by the National Historic Preservation Act of 1966, as amended.
- (w) *Homeowners association* means a community association incorporated or not incorporated, combining individual home ownership with shared use or ownership of common property or facilities.
- (x) *Landscaped areas* means those portions of building lots on which trees, shrubs and other plant material are located and maintained, primarily as a result of human intervention.
- (y) *Lot* means a parcel of land, designed to be used for the development of a one- or two-family dwelling, that meets the requirements of this part and part 16 of this code and has been given final approval by the director and has been recorded in the records of the Clerk of the Superior Court of Fulton or DeKalb County, as is appropriate.
- (z) *Major collector street* means a multilane street that functions to move traffic from residential streets to arterial streets.
- (aa) *Natural areas* means those portions of building lots which are maintained with their natural topographic features and on which plant material and water exist through natural growth and maturation.
- (bb) *Nonaccess Reservation* means a parcel of land through which no form of vehicular access is permitted.
- (cc) *Open space* means land on which no structural elements are present.
- (dd) *Orderly pattern of development* means a systematic, consistent arrangement of lots and residential structures.
- (ee) *Parent lot* means the existing lot of record, as identified by individual tax parcel numbers, as of the effective date of this ordinance.

**Section 15-07.001. Applications.**

- (a) All applications for the subdivision of land within the City of Atlanta shall be filed with the bureau of planning on forms promulgated by said bureau.
  - (1) The bureau of planning shall take no action regarding any application unless and until said application contains all data and information required by this part.
  - (2) No application shall be deemed to be "filed" unless and until it contains all data and information required by this part, fees have been paid, and is properly signed and authorized.
  - (3) If any application is incomplete, the applicant shall be notified in writing within 10 days of receipt of said incomplete application.
- (b) Before submitting an application for a subdivision, the applicant shall schedule an appointment with the Bureau of Planning staff to discuss the procedure and requirements for approval of a subdivision.
  - (1) The applicant should have available at this appointment a preliminary subdivision concept plan.
  - (2) The Bureau of Planning staff will review the preliminary subdivision concept plan for purposes of recommending subdivision classification- traditional or conservation.
- (c) Proposals classified as a traditional subdivision will require the submission of materials in accordance with Part A of the Subdivision Ordinance. If any application is deemed incomplete, the applicant shall be notified in writing within ten (10) days of receipt of said incomplete application.
- (d) Classification as a conservation subdivision shall be made in accordance with the Conservation Subdivision Trigger Area Guidelines.
  - (1) Proposals for conservation subdivision will require that the applicant participate in a technical conference.
  - (2) The purpose of the preliminary technical conference is to review the proposed development to determine the application of flexible design standards that would promote preservation of natural resources and efficient uses of land.
  - (3) The applicant will be required to submit a series of maps and descriptive information as a part of the technical conference and as described in Section 15-05.001 Part B Application Requirements.
  - (4) The applicant shall be informed during the initial meeting of the materials that must be that must be presented for the preliminary technical conference and the date, time and place for the conference.
- (e) If the applicant does not desire to participate in the technical conference, the Subdivision Review Committee will develop its recommendations based on materials received in the application.



- (1) The recommendations will be forwarded to the Commissioner of Public Works and the Director of the Bureau of Planning for review and action.
- (2) If the applicant joins in the technical conference, opportunities for establishing flexible design standards may be further maximized, changes may be readily made in the original proposal, further conferences may be held and additional material may be requested to guide in determinations.
- (3) In the course of such technical conferences, any recommendations for changes shall be recorded in writing, with reasons therefore, and shall be transmitted to the applicant and the Subdivision Review Committee.

**Section 15-07.002. Application forms and data required.**

Applications for the subdivision of land shall conform to the following requirements:

- (a) Each application shall be typewritten and shall contain the signature of the owner or, if more than one, all owners of the property which is the subject of the application, which signature(s) shall authorize the filing of said application.
- (b) Each application shall be accompanied by a proposed subdivision plat which shall conform to all applicable requirements of this part. Said proposed subdivision plat shall conform to the minimum requirements of applicable state law, and be prepared, signed and sealed by a professional land surveyor registered and licensed to practice in the State of Georgia.
- (c) The applicant shall provide a reasonable representation of the proposed subdivision drawn on the most recent City of Atlanta topographic map with existing building footprints at a scale of one (1) inch equals 200 feet. Said drawing shall include street and curb lines and proposed lot lines.
- (d) Applicants requesting approval of a preliminary subdivision plat shall provide all of the data required in sections 15-07.003. and 15-07.008. below.
- (e) Applicants requesting approval of a final subdivision plat shall provide all of the data required in sections 15-07.004 and 15-07.009. below.

**Section 15-07.003. Traditional Subdivision : Preliminary plat data.**

Each application for approval of a preliminary subdivision plat and the accompanying construction drawings shall be supported by the following documentation:

- (a) Twelve (12) copies of each preliminary plat shall be submitted and shall be at a scale not smaller than fifty (50) feet to one (1) inch, and sheet size shall not exceed 24 X 36 inches.
- (b) For any proposed new street installations, the following is required:
  - (1) suggested street names;
  - (2) right-of-way and street widths;
  - (3) central angles of proposed street intersections with existing street intersections;

- (4) dimensions of radii of any street curvatures based on centerline stationing;
- (5) dimensions of radii to face of curb and right-of-way for any proposed cul-de-sac;  
and
- (6) profiles based on proposed centerline stationing, including all vertical curve data  
and grades; similar data for alleys, if any.
- (c) All proposed lots, with dimensioned lot lines and areas in square feet and acreage  
(minimum three-place accuracy), lot numbers, and block numbers.
- (d) Sites, if any, to be dedicated or reserved for parks, playgrounds, schools or other  
public uses, together with the purpose and the conditions or limitations of such  
dedication, if any.
- (e) Boundary lines from actual field-run survey records and minimum building setback  
lines (front, side, rear) for all lots.
- (f) Easements, including their location, width, and purpose.
- (g) Existing streets on and abutting the tract, including names, right-of-way width,  
pavement width and location.
- (h) Provisions for the installation of an overhead street lighting system approved by the  
bureau of traffic and transportation to be paid for by the developer addressing pole  
type, pole locations, size, type, and number of lamps.
- (i) Other conditions on the tract that are visually identifiable, or are a matter of public  
record, or are known to the applicant, including but not limited to the following:
  - (1) landfills;
  - (2) watercourses;
  - (3) utility lines and utility structures including but not limited to the following:
    - a. sanitary and storm sewer;
    - b. water;
    - c. gas;
    - d. power;
    - e. telephone; and
    - f. overhead streetlighting and similar utility structures.
  - (4) foundations or buried structures;
  - (5) borrow pits;
  - (6) abandoned wells;
  - (7) burial pits;
  - (8) leach fields;
  - (9) septic tanks;
  - (10) drain fields;
  - (11) soil contaminated areas and similar features.
- (j) Title under which proposed subdivision is to be recorded, if known, with name,  
address, and telephone number of owner and designer.

- (k) A vicinity map at a scale of one (1) inch equals 2,000 feet identifying the proposed site and showing the relationship of the proposed subdivision to the platting pattern of the surrounding area.
- (l) Scale, data, north arrow, date of survey, date of plat, date of any revisions to plat, land lot number, district number, and county.
- (m) Present zoning district classification(s).
- (n) The plat shall contain sufficient horizontal control data to determine readily and reproduce on the ground the proposal being defined with distances, bearings, curve data of the overall parcel boundary and the centerline of any proposed street.
  - (1) All work shall be referenced to the Georgia Plane Coordinate System.
    - a. If a control monument point is located within 500 feet of the site, the site shall be tied to that monument with traditional ground survey procedures.
    - b. If greater than 500 feet, Global Positioning Systems (GPS) methodology shall be employed to establish the coordinate relationship.
  - (2) The information furnished shall be dimensionally accurate to the nearest one-hundredth of a foot with bearing accuracy to the nearest 10 seconds.
  - (3) Curve data shall include, but is not limited to:
    - a. the radius;
    - b. arc length;
    - c. chord length;
    - d. chord bearing;
    - e. and delta angle.
  - (4) All horizontal control data shown on the plat shall be capable of producing a closure in which the coordinated error does not exceed one (1) foot in 10,000 feet.
- (o) Actual field-run topographic survey which produces an existing topographical representation of the area within twenty-five (25) feet of the right-of-way of any proposed street or any proposed earth-disturbing activity in two-vertical-foot contour elevations, with any proposed grading activities also shown with two-foot contour intervals superimposed. Topographic representations shall also include all watercourses, wetlands, and all 100-year floodplains as shown on the applicable maps adopted by the mayor and city council. In addition, plans shall show two-foot contour elevations from city maps for the entire site.
- (p) A general summary of supporting plans, surveys, documents, and engineering calculations with appropriate professional signatures and seals, as follows:
  - (1) Field-run topographic survey of that portion of the site specified in (o) above.
  - (2) A survey of the site depicting horizontal and vertical control data from actual field-run survey signed and sealed by a registered land surveyor licensed to practice in the State of Georgia as referenced in subsection N.
  - (3) Construction plans, signed and sealed by a registered professional engineer licensed to practice in the State of Georgia, consisting of the following:

- a. Plans, profiles, and cross sections of proposed streets, cul-de-sacs, sidewalks and similar paved surfaces with all appropriate details.
- b. Plans, profiles, and details of all proposed sanitary and storm sewers.
- c. Plans and details of any proposed storm water management facilities.
- d. Hydraulics of storm sewers, including capacities of intakes, pipe capacities, gutter spreads and velocities of flows, and capabilities of downstream creeks, conduits, and structures receiving storm runoff from proposed subdivision activities.
- e. Hydrology and hydraulics of stormwater management systems and/or detention facilities including time-stage - storage relationships, backwater surface profiles and related calculations.
- f. Determination of all 100-year floodplain elevations for watercourses.
- g. Certification of compliance with all appropriate federal, state, and local wetland identification, protection and regulatory requirements.
- h. Records of easements, covenants and restrictions on the land, whether existing or proposed, and evidence of current ownership based on the results of current deed research.
- i. Compliance and construction plan preparation to address required soil and erosion control provisions as required by chapter 138 of this code.
- j. Bicycle paths and on-street bicycle lanes that have been designated on the Bicycle Trail Map approved by the governing authority.

**Section 15-07.004. Traditional subdivision; Final plat data.**

The final plat shall conform to the preliminary plat as approved. The final plat shall be an ink drawing on mylar stock which shall not exceed 17" by 22" in size. The plat shall be reproducible and shall produce totally legible copies. The plat shall contain all of the following information:

- (a) Sufficient horizontal control data to determine readily and reproduce on the ground the actual constructed subdivision, including the overall total parcel and each subdivided lot, and all public rights-of-way limits, being defined with distances, bearings, and curve data.
  - (1) All work shall be referenced to the Georgia Plan Coordinate System.
  - (2) The information furnished shall be dimensionally accurate to the nearest one-hundredth of a foot with bearing accuracy to the nearest 10 seconds.
  - (3) Curve data shall include, but not be limited to, the radius, arc length, chord length, chord bearing and delta angle.
  - (4) All horizontal control data shown on the plat shall be capable of producing a closure in which the coordinated error does not exceed one (1) foot in 10,000 feet.
  - (5) The areas of all subdivided lots shall be shown in square footage and in acreage to three-place minimum accuracy.

- (6) The documentation of survey accuracy, areas of parcels, and acceptable errors of closure shall be verified with coordinated calculations.
- (7) In addition, tract boundary corners shall be dimensioned to the nearest developed public street right-of-way and/or land lot line or corner.
- (b) The graphic representation of all boundary lines, right-of-way limits of all streets, face of curblines of all streets, minimum building setback lines with dimensions for front, side, and rear lines, property lines of all residential lots and other sites, lot identifying numbers, all sanitary and storm sewers, existing or proposed, along with associated structures, and any other existing structures.
- (c) The name, right-of-way width, and street width from face of curb to face of curb of each street or other right-of-way.
- (d) The location, dimensions, and purposes of all easements and any areas to be dedicated to public use or sites for other than residential use with notes stating their purposes and limitations.
- (e) The location of all existing creeks, watercourses, stormwater management facilities, wetland definition and/or protection limits, and any required protective buffer zones or limits with appropriate notations.
- (f) The location of 100-year storm floodplain contour and its respective elevation.
- (g) Notation of any covenant which will be part of the final plat.
- (h) The title, name, location of the subdivision, north arrow, date, scale, land lot number, district number, and county.
- (i) Lots or sites numbered in numerical order and blocks lettered alphabetically.
- (j) Accurate location, material, and description of monuments and markers.
- (k) *Acknowledgments*. The following acknowledgments and approvals shall appear on the original mylar tracing of the final plat:
- (1) Surveyor's acknowledgment statement and seal: "It is hereby certified that this plat is true and correct and was prepared from an actual survey of the property made under my supervision.

By \_\_\_\_\_

Registered Georgia Land

Surveyor's Number \_\_\_\_\_

Date \_\_\_\_\_"

- (2) Certification by signature and date attesting that the applicant is the land owner of record, and dedicates streets, right-of-way, easements, and any sites for the public use by the following acknowledgement:

State of Georgia

City of Atlanta

The owner of the land shown on this plat and whose name is subscribed thereto, and in person or through a duly authorized agent having legal power of attorney, acknowledges that this plat was made from an actual survey and dedicates to the use of the public forever, all streets, parks, drains, easements and public places thereon shown for the purposes and considerations therein expressed.

By \_\_\_\_\_ Date: \_\_\_\_\_  
Owner

By \_\_\_\_\_ Date: \_\_\_\_\_  
Agent

- (3) *Drainage statement.* Storm drainage facilities shown on this plat are necessary for the proper drainage of the subdivision. The City of Atlanta will not be held responsible for erosion or overflow caused by the storm drainage facilities or natural drainage conditions nor responsible for extensions of storm drains.
- (4) Approval of the commissioner of public works and, if required, Fulton County or DeKalb County Health Officer, as appropriate.
- (5) Approval of bureau of planning.
- (6) *Protective covenants.* Protective covenants, if any, shall be referenced on the final plat, even though same may be recorded elsewhere.
- (7) The following supporting documentation is required for those subdivision final plats in which public infrastructure is installed:
- A final as-built engineering plan and profile drawing(s) of all public sanitary and storm sewers installed with appropriate professional seals and attestments.
  - Results of internal television inspection of all public sanitary sewers installed.
  - A final as-built engineering plan and profile drawing(s) of all public streets and rights-of-way installed with appropriate professional seals and attestments.
  - Compaction test results of public streets and rights-of-way installed.
  - Maintenance bonds or irrevocable letters of credit from a federally insured lending institution acceptable to the chief financial officer for public sewers, streets, sidewalks, and curbs installed.
  - Separate maintenance bonds or irrevocable letters of credit for public sewers and public streets, sidewalks, and curbs shall be provided for the term of three

(3) years from the date of filing and recording the final plat and shall represent monetary value equal to the value of the public infrastructure installations. These bonds or letters of credit shall serve as three-year warranties for public infrastructure installations made by private developers prior to perpetual city maintenance.

- (8) *Filing and recording of the final plat by the bureau of planning.* The filing and recording of the final plat by the bureau of planning shall, upon completion of the improvements by the applicant, be deemed an acceptance of the dedication of the streets and other public land as shown upon said plat on behalf of the public, but shall not impose any duty upon the city covering improvements or maintenance, excepting developed public streets and sewers as described above.

**Section 15-07.005. Traditional Subdivisions: Procedures for processing applications for traditional subdivision.**

The procedures for review and action on all applications for the subdivision of land shall be as follows:

- (a) The director, bureau of planning shall develop and publish a schedule for the review of all subdivision applications. Said schedule shall specify semimonthly filing deadlines for the receipt of applications.
- (b) Within three (3) days after each semimonthly filing deadline, the director, bureau of planning shall distribute a copy of each application received, with accompanying plats and other drawings, to the following:
- (1) Commissioner of public works.
  - (2) Directors of the bureaus of highways and streets, parks, traffic and transportation, buildings, water, *housing services*, and the executive director of the urban design commission.
  - (3) District and at-large members of the council in which the subject property is located;
  - (4) Chairperson of the neighborhood planning unit in which the subject property is located;
  - (5) Assistant superintendent for facilities services of the Atlanta public schools;
  - (6) Executive director, Fulton County or DeKalb County Health Department, as is appropriate;
  - (7) Fire chief; and
  - (8) City arborist.
- (c) *Subdivision Review Committee.* The director, bureau of planning shall establish a schedule for regular semimonthly meetings of the subdivision review committee and shall serve as chairperson of said committee. The purpose of the subdivision review committee is to provide for a consolidated technical review of each application. Each application for land subdivision that is received by the semimonthly filing deadline shall be reviewed for compliance with the provisions of this part by said committee no later than the second semimonthly meeting following the filing deadlines. The

applicant or his or her designee is required to be present at said meeting to discuss the application and to provide any additional data that is required by this part. Within three (3) working days after each such meeting, each applicant shall be notified in writing by first class mail of a list of identified problems or deficiencies in the application.

(d) *Neighborhood Planning Units (NPU's)*. Within three (3) working days after the semimonthly deadline for the receipt of applications for land subdivision, each appropriate neighborhood planning unit shall be provided a copy of any such application and supporting documentation which is located within the jurisdiction of said neighborhood planning unit. It is the responsibility of the neighborhood planning unit to schedule said application for consideration at a meeting within six (6) weeks after the semimonthly deadline and to provide the bureau of planning with a letter presenting its comments on the application. The applicant is encouraged to attend the neighborhood planning unit meeting. The chairperson and the NPU shall review the proposed subdivision plat utilizing only the standards and criteria set forth in this part and provide a copy of said comments to the applicant and to district and at-large members of council representing the district within which the subject property is located. The bureau of planning shall post a sign so as to inform the adjacent neighborhood of a proposed subdivision application. Said sign shall include the date of the scheduled NPU meeting at which said application will be discussed.

(e) *Action by Commissioner of Public Works*. No preliminary subdivision plat shall be approved prior to the receipt of a letter from the commissioner of the department of public works approving the subject preliminary subdivision plat as being in compliance with the provisions of this part and any other applicable code provisions, rules and regulations. No final subdivision plat shall be approved until all required improvements have been made, inspected and accepted by the commissioner of the department of public works. Further, no final subdivision plat shall be approved prior to the commissioner of the department of public works having approved the subject final subdivision plat by affixing his or her signature to the original copy of the final plat as being in compliance with this part and any other applicable code provisions, rules and regulations.

(f) *Action by Director of Bureau of Planning*.

(1) After all changes and corrections identified in the meeting of the subdivision review committee are made, and after approval by the commissioner of the department of public works as is provided in (e) above, the application shall be presented to the director of the bureau of planning for approval or disapproval of the preliminary subdivision plat or the final subdivision plat, as the case may be. The director shall review and make a part of the record any written comments that were received from the appropriate neighborhood planning unit regarding the subject application.

(2) If a preliminary subdivision plat has been approved by the commissioner of the department of public works and meets all other applicable requirements of parts 15 and 16 of this code, the director, bureau of planning shall approve the subject preliminary subdivision plat. If a preliminary subdivision plat has not been



approved by the commissioner of the department of public works, or fails to meet the applicable requirements of parts 15 and 16 of this code, the director, bureau of planning shall disapprove the subject preliminary subdivision. The director shall notify the applicant in writing of the final decision regarding a preliminary subdivision plat.

- (3) If a final subdivision plat has been approved by the commissioner of the department of public works and meets all other applicable requirements of parts 15 and 16 of this code, the director, bureau of planning shall approve the subject final subdivision plat and cause the final plat to be recorded in the records of Fulton or DeKalb County as is appropriate. If a final subdivision plat has not been approved by the commissioner of the department of public works, or, fails to meet the applicable requirements of parts 15 and 16 of this code, the director, bureau of planning shall disapprove the subject final subdivision and notify the applicant in writing of said disapproval.

The director, bureau of planning shall make a decision regarding each final plat submitted no later than 15 days after the date of submission of said final plat. Approval by the director, bureau of planning shall appear on the original drawing. Final plat approval by the director, bureau of planning shall constitute that approval, if any, required by the governing authority of the City of Atlanta pursuant to O.C.G.A. section 15-6-67(d). If requested by the applicant, and if otherwise in accord with the requirements of this part, the director shall have the authority to re-record final plats for the purpose of revising lot lines where no new lot is created. If requested by the applicant, the final plat may constitute only that portion of the approved preliminary plat which the applicant proposes to record and develop in a single phase.

- (4) The director shall provide a copy of any written decision on any preliminary or final subdivision plat to the applicant, to all review agencies listed in (b) above, to the appropriate at-large and district member of council, and to the appropriate neighborhood planning committee chairperson.
  - (5) The final plat shall be submitted to the bureau of planning not later than one (1) year after approval of the preliminary plat; otherwise the approval of the preliminary plat shall become null and void unless an extension of time is granted by the bureau of planning. An applicant may request a single extension of no more than 12 months only in the case of a sewer moratorium, unavailable financing, industry work stoppage, severe detrimental weather conditions, death or disability of managing partner and similar clearly established hardship conditions.
- (g) *Limitation on Application for Variances.* It is the intent of this part to prohibit the creation of lots that require a variance in order to be developed. Therefore, once a final plat has been approved by the director, bureau of planning, no application for a variance on any lot in said subdivision may be submitted for a period of one (1) year from the date of final approval of said plat unless an unknown site condition is discovered which creates a hardship within the meaning of chapter 26 of part 16 of this code.

- (h) *No Grading or Site Preparation Prior to Necessary Permits.* No permits for grading or other site preparation work shall be granted prior to final approval of the preliminary plat or final plat. No grading, tree cutting or other site preparation work shall commence until all required permits under this part and any other applicable ordinance, including any applicable tree ordinance, have been obtained.
- (i) *Sale or Exchange of Land Between Adjoining Owners.* The director shall approve the replatting of land that is proposed to be sold or exchanged between adjoining property owners provided each of the following conditions are met:
  - (1) A written request, accompanied by one (1) original mylar plat showing existing and proposed property boundaries and all other applicable information specified in section 15-07.003, is submitted to the director.
  - (2) No additional lot is created.
  - (3) Each newly platted lot conforms to all requirements of part 16 of the code of ordinances; and
  - (4) Each newly platted lot conforms to all requirements of this part 15 of the code of ordinances, provided that if either lot, as platted prior to the proposed replatting, does not conform to said part 15, this condition shall nevertheless be deemed to have been met, if said lot(s) are replatted in a manner that equals or reduces the degree of nonconformity.

**Sec. 15-07.006. Conservation Subdivision: General regulations.**

- (a) *Applicability of Regulations.* Applicant shall comply with all the provisions of the City of Atlanta Subdivision Ordinance Part 15 that are compatible with the provisions contained in this ordinance. Applicant shall comply with all other provisions of the zoning code and all other applicable laws, except those that are incompatible with the provisions contained herein. Therefore, the number of new lots that can be created shall be consistent with the applicable zoning ordinance for the parent lot. The Conservation Subdivision Ordinance represents an alternative standard for residential development of major subdivisions within the Single Family Residential Districts.
- (b) *Ownership of Development Site.* The tract of land to be subdivided may be held in single and separate ownership or in multiple ownership. Regardless of the type of ownership, the site shall be developed according to a single plan with common authority and common responsibility.
- (c) *Housing Density Determination.* The maximum number of lots in the Conservation Subdivision shall be determined by either of the following two methods, at the discretion of the applicant:
  - (1) *Calculation.* The maximum number of lots is determined by dividing the area of the tract of land by the minimum lot size specified in the underlying zoning. In making this calculation, the following shall not be included in the total area of the parcel:
    - a. slopes over 25% of at least 5000 square feet contiguous area;

- b. the 100-year floodplain;
- c. bodies of open water over 5000 square feet contiguous area; and
- d. wetlands that meet the definition of the Army Corps of Engineers pursuant to the Clean Water Act.

- (2) *Yield Plan.* The maximum number of lots is based on a conventional subdivision design plan, prepared by the applicant, in which the tract of land is subdivided in a manner intended to yield the highest number of lots possible. The plan does not have to meet formal requirements for a site design plan, but the design must be capable of being constructed given site features and all applicable regulations.

**Section 15-07.007. Conservation Subdivision: Application and Technical Conference requirements.**

*Technical Conference Information Requirements.* Applications for conservation subdivision shall conform to the Technical Conference requirements which are outlined below. Mapping for the technical conference can be accomplished in a combination of features as long as individual map components can be distinguished and the relationship between map components can be determined.

- (1) *Site Analysis Map.* The applicant shall prepare and submit a site analysis map. The purpose of the site analysis map is to ensure that the important site features have been adequately identified prior to the creation of the site design, and that the proposed Open Space will meet the requirements of this ordinance. Minimum requirements for the preliminary site analysis map shall include the following:
- a. Property boundaries;
  - b. All streams, rivers, lakes, wetlands and other hydrologic features;
  - c. Topographic contours of no less than 10-foot intervals;
  - d. General vegetation characteristics;
  - e. General soil types;
  - f. The planned location of protected Open Space;
  - g. Existing roads and structures;
  - h. Potential connections with existing greenspace and trails;
  - i. Land cover on the site, according to general cover type (pasture, woodland, etc.) and stand-alone trees with a caliper of more than twenty-four (24) inches measured four feet off the ground.
  - j. Current and past land use, all buildings and structures on the land, cultivated areas, brownfields, and waste sites.
  - k. Known critical habitat areas for rare, threatened or endangered species.
  - l. Views of the site, including views onto the site from surrounding roads, public areas and elevated areas, including photographs with a map indicating the location where the photographs were taken.
  - m. Unique geological resources, such as rock outcrops.
  - n. Cultural resources, historically important landscapes and archeological features.

- (2) *Development Yield Analysis.* The applicant shall submit a table showing the maximum number of dwelling units that would be permitted under the City of Atlanta zoning ordinance, consistent with the minimum lot size, lot width, setbacks, and other provisions of the zoning ordinance and compare it to the number of dwelling units proposed. Land that is undevelopable because of other laws and ordinances that prohibit development in certain areas (e.g. floodplains, wetlands, steep slopes and drainage ways) shall be excluded from the development yield analysis.
- (3) *Site Analysis and Concept Plan.* Using the inventory outlined on the Site Analysis Map, the Development Yield Analysis Table and applying the design standards specified in section \_\_\_\_\_, the applicant shall submit a concept plan including at least the following information at a scale of no less than one inch=50 feet:
- Open space areas indicating which areas are to remain undeveloped and trail location.
  - Boundaries of areas to be developed and proposed street and lot layout.
  - Number of housing units proposed.
  - Proposed methods for and location of water supply, stormwater management (e.g. best management practices) and sewage treatment.
  - Preliminary development envelopes showing areas for lawns, pavement, buildings and grading.
  - Proposed methods for ownership and management of open space.
- (4) *General Location Map.* The applicant shall submit a map showing the general outlines of existing buildings, land use and natural features such as water bodies or wooded areas, roads and property boundaries within 500 feet of the tract. This information may also be presented on an aerial photograph at a scale of no less than 1 inch:400 feet.

**Section 15-07.008. Conservation Subdivision: Preliminary plat data.**

*Application Forms and Data Required.* After the completion of the technical conference and receipt of the recommendations, an applicant may submit an application for a conservation subdivision. The application shall conform to the following requirements:

- (1) Submission of application form which shall be typewritten and contain the signature of the owner or, if more than one, all owners of the property which is the subject of the application. The application form must contain the signatures of the owner(s) shall authorize the filing of said application.
- (2) Each application shall be accompanied by a proposed subdivision plat that shall conform to all applicable requirements of this ordinance. The subdivision plat shall conform to the minimum requirements of applicable state law, and be prepared, signed and sealed by a professional land surveyor registered and licensed to practice in the State of Georgia.
- (3) The applicant shall provide a reasonable representation of the proposed conservation subdivision drawn on the most recent City of Atlanta topographic map with existing building footprints at a scale of one (1) inch equals 200 feet.

- (4) Twelve (12) copies of each preliminary plat shall be submitted and shall be at a scale not smaller than 50 feet to one (1) inch. The sheet size shall not exceed 24 x 36 inches. More than one (1) sheet may be used to present the information required. Other information required on the plat shall be as outlined below:
- (5) The title under which the proposed subdivision is to be recorded, with name, address and telephone number of owner(s) and designer. The proposed name of the subdivision shall not duplicate or be alike in pronunciation of the name of any plat previously recorded in Fulton County. References to scale, data, north arrow, date of plat, date of any revisions to the plat, land lot number, district number and county shall also be included on the plat.
- (6) A vicinity map at a scale of one (1) inch equals 2,000 feet identifying the proposed site and showing the relationship of the proposed subdivision to the surrounding area.
- (7) Present zoning district classification.
- (8) Actual field-run topographic survey which produces an existing topographical representation of the area within twenty-five (25) feet of the right-of-way of any proposed street or any proposed earth-disturbing activity in two-vertical-foot contour elevations, with any proposed grading activities also shown with two-foot contour intervals superimposed.
- (9) All proposed lots, with dimensioned lot lines and areas in square feet and acreage (minimum three-place accuracy), lot numbers and block numbers.
- (10) Boundary lines from actual field-run survey records.
- (11) Proposed building setback lines – front, side and rear- for all lots.
- (12) Records of easements, covenants and restrictions on the land, whether existing or proposed, and evidence of current ownership based on the results of current deed research. Indicate the location, width and purpose of any easements.
- (13) Existing streets on and abutting the subject parcel, including names, right-of-way width, pavement width and location.
- (14) Proposed new street installations should include the suggested street names, right-of-way and street widths, central angles of proposed street intersections with existing street intersections, dimensions of radii of any street curvatures based on centerline stationing, dimensions of radii to face of curb and right-of way for any proposed cul-de-sac; and profiles based on proposed centerline stationing, including all vertical curve data and grades.
- (15) All areas designated for protected open space and connections with existing greenspace and trails. Include bicycle paths and on-street bicycle lanes that have been designated on the Bicycle Trail Map approved by the governing authority.
- (16) Conditions on the parcel that are visually identifiable or are a matter of public record or are known to the applicant, including but not limited to landfills, watercourses, utility lines and structures, foundations or buried structures, borrow pits, abandoned wells, burial pits, leach fields, septic tanks, drain fields, soil contaminated areas and similar features.
- (17) The plat shall contain sufficient horizontal control data to determine readily and reproduce on the ground the proposal being defined with distances, bearings, curve data of the overall parcel boundary and the centerline of any proposed street. All work shall be referenced to the Georgia Plane Coordinate System; if a control monument point is located within 500 feet of the site, the site shall be tied to that monument with traditional ground survey procedures; if greater than 500

feet, Global Positioning Systems (GPS) methodology shall be employed to establish the coordinate relationship. The information furnished shall be dimensionally accurate to the nearest one-hundredth of a foot with bearing accuracy to the nearest 10 seconds. Curve data shall include, but is not limited to, the radius, arc length, chord length, chord bearing, and delta angle. All horizontal control data shown on the plat shall be capable of producing a closure in which the coordinated error does not exceed one (1) foot in 10,000 feet.

- (18) Topographic representations shall also include all watercourses, wetlands, and all 100-year floodplains as shown on the applicable maps adopted by the mayor and city council. In addition, plans shall show two-foot contour elevations from city maps for the entire site.
- (19) Construction plans, signed and sealed by a registered professional engineer licensed to practice in the State of Georgia, consisting of the following:
  - a. Plans, profiles, and cross sections of proposed streets, cul-de-sacs, sidewalks and similar paved surfaces with all appropriate details;
  - b. Plans, profiles, and details of all proposed sanitary and storm sewers;
  - c. Plans and details of any proposed storm water management facilities;
  - d. Hydraulics of storm sewers, including capacities of intakes, pipe capacities, gutter spreads and velocities of flows, and capabilities of downstream creeks, conduits, and structures receiving storm runoff from proposed subdivision activitiesHydrology and hydraulics of stormwater management systems and/or detention facilities including time-stage - storage relationships, backwater surface profiles and related calculations;
  - f. Determination of all 100-year floodplain elevations for watercourses; and
  - g. Certification of compliance with all appropriate federal, state, and local wetland identification, protection and regulatory requirements.
- (20) Compliance and construction plan preparation to address required soil and erosion control provisions as required by applicable codes.
- (21) Plan showing compliance with the approved Tree Ordinance.

**Sec. 15-07.009. Conservation Subdivision: Final plat data.**

The final plat shall conform to the preliminary plat as approved. The final plat shall be an ink drawing on mylar stock which shall not exceed 17" by 22" in size. The plat shall be reproducible and shall produce totally legible copies. The plat shall contain all of the following information:

- (a) Sufficient horizontal control data to determine readily and reproduce on the ground the actual constructed subdivision, including the overall total parcel and each subdivided lot, and all public rights-of-way limits, being defined with distances, bearings, and curve data. All work shall be referenced to the Georgia Plan Coordinate System. The information furnished shall be dimensionally accurate to the nearest one-hundredth of a foot with bearing accuracy to the nearest ten (10) seconds. Curve data shall include, but not be limited to, the radius, arc length, chord length, chord bearing and delta angle. All horizontal control data shown on the plat shall be capable of producing a closure in which the coordinated error does not exceed one (1) foot in 10,000 feet. The areas of all subdivided lots shall be shown in square footage and in

acreage to three-place minimum accuracy. The documentation of survey accuracy, areas of parcels, and acceptable errors of closure shall be verified with coordinated calculations. In addition, tract boundary corners shall be dimensioned to the nearest developed public street right-of-way and/or land lot line or corner.

- (b) The graphic representation of all boundary lines, right-of-way limits of all streets, face of curblines of all streets, minimum building setback lines with dimensions for front, side, and rear lines, property lines of all residential lots and other sites, lot identifying numbers, all sanitary and storm sewers, existing or proposed, along with associated structures, and any other existing structures.
- (c) The name, right-of-way width, and street width from face of curb to face of curb of each street or other right-of-way.
- (d) The location, dimensions, and purposes of all easements and any areas to be dedicated to public use or sites for other than residential use with notes stating their purposes and limitations. The location of all existing creeks, watercourses, stormwater management facilities, wetland definition and/or protection limits, and any required protective buffer zones or limits with appropriate notations. The location of 100-year storm floodplain contour and its respective elevation. Notation of any covenant which will be part of the final plat.
- (e) The title, name, location of the subdivision, north arrow, date, scale, land lot number, district number, and county.
- (f) Lots or sites numbered in numerical order and blocks lettered alphabetically.
- (g) Accurate location, material, and description of monuments and markers.
- (h) Acknowledgments. The following acknowledgments and approvals shall appear on the original mylar tracing of the final plat:
  - (1) Surveyor's acknowledgment statement and seal: "It is hereby certified that this plat is true and correct and was prepared from an actual survey of the property made under my supervision.

By \_\_\_\_\_

Registered Georgia Land

Surveyor's Number \_\_\_\_\_

Date \_\_\_\_\_ "

- (2) Certification by signature and date attesting that the applicant is the land owner of record, and dedicates streets, right-of-way, easements, and any sites for the public use by the following acknowledgement:

State of Georgia

City of Atlanta

The owner of the land shown on this plat and whose name is subscribed thereto, and in person or through a duly authorized agent having legal power of attorney, acknowledges that this plat was made from an actual survey and dedicates to the use of the public forever, all streets, parks, drains, easements and public places thereon shown for the purposes and considerations therein expressed.

By \_\_\_\_\_ Date: \_\_\_\_\_

Owner

By \_\_\_\_\_ Date: \_\_\_\_\_

Agent

- (3) Drainage statement: Storm drainage facilities shown on this plat are necessary for the proper drainage of the subdivision. The City of Atlanta will not be held responsible for erosion or overflow caused by the storm drainage facilities or natural drainage conditions nor responsible for extensions of storm drains.
- (4) Approval of the commissioner of public works and, if required, Fulton County or DeKalb County Health Officer, as appropriate.
- (5) Approval of bureau of planning.
- (i) Protective covenants. Protective covenants, if any, shall be referenced on the final plat, even though same may be recorded elsewhere.
- (j) The following supporting documentation is required for those subdivision final plats in which public infrastructure is installed:
  - (1) A final as-built engineering plan and profile drawing(s) of all public sanitary and storm sewers installed with appropriate professional seals and attestments.
  - (2) Results of internal television inspection of all public sanitary sewers installed.
  - (3) A final as-built engineering plan and profile drawing(s) of all public streets and rights-of-way installed with appropriate professional seals and attestments.
  - (4) Compaction test results of public streets and rights-of-way installed.
  - (5) Maintenance bonds or irrevocable letters of credit from a federally insured lending institution acceptable to the chief financial officer for public sewers, streets, sidewalks, and curbs installed. Separate maintenance bonds or irrevocable letters of credit for public sewers and public streets, sidewalks, and curbs shall be provided for the term of three (3) years from the date of filing and recording the



final plat and shall represent monetary value equal to the value of the public infrastructure installations. These bonds or letters of credit shall serve as three-year warranties for public infrastructure installations made by private developers prior to perpetual city maintenance.

- (k) Filing and recording of the final plat by the bureau of planning. The filing and recording of the final plat by the bureau of planning shall, upon completion of the improvements by the applicant, be deemed an acceptance of the dedication of the streets and other public land as shown upon said plat on behalf of the public, but shall not impose any duty upon the city covering improvements or maintenance, excepting developed public streets and sewers as described above.

**Section 15-08.001.1. Traditional Subdivision: Design standards for the subdivision of land.**

All proposed applications for *traditional* subdivisions shall comply with the standards for design contained within this section, *specifically sections 15-08.002 through sections 15-09.008.*

**Sec. 15-08.001.2. Conservation Subdivision: Performance Standards.**

- (a) *General Considerations.* Conservation subdivisions shall identify a conservation theme or themes. This theme shall be identified at the time of the technical conference. Conservation themes may include but not be limited to, forest stewardship, water quality preservation, or archaeological and historic preservation
- (b) *Site Planning.* The applicant shall incorporate site planning principals to provide protection for environmentally sensitive soils, other natural resources, and surrounding areas from potentially averse influences from within the development. These principals shall include, but not be limited to:

(1) Residential Lot Requirements

- a. Minimum Lot Size
- b. Building Setbacks
- c. Accessory Building Setbacks
- d. Lots shall be configured to minimize the amount of impervious surfaces.
- e. Most lots shall take access from interior local streets.
- f. Lots shall be configured to minimize the amount of road length required for the subdivision
- g. Development envelopes shall be configured to minimize lots of woodlands.

(2) Residential Cluster Siting Standards

- a. Residential clusters shall be located to minimize negative impacts on the natural, scenic and cultural resources of the site and conflicts between incompatible uses.

- b. Whenever possible, open space shall connect with existing or potential open space lands on adjoining parcels and local or regional recreational trails.
- c. Residential clusters should be sited to achieve the following goals, to the extent practicable:
  - 1. Minimize disturbance to woodlands, wetlands, grasslands and mature trees.
  - 2. Prevent downstream impacts due to runoff through adequate on-site storm water management practices.
  - 3. Protect scenic views of open land from adjacent roads. Visual impact should be minimized through use of landscaping or other features.
  - 4. Protect archaeological sites and existing historic buildings or incorporate them through adaptive reuse.
  - 5. Landscaping around the cluster may be necessary to reduce off site views of residences.

### (3) Open Space Design

- a. The uses within the open space shall be accessible to the residents of the development. These uses may also be available to the general public providing the proper approvals are received. The open space shall be restricted in perpetuity from future development.
- b. Open space shall be designated as part of the development.
- c. The areas to be preserved shall be identified on a case-by-case basis in an effort to conserve and provide the best opportunities to restore and enlarge the best quality natural features of each particular site.
- d. Road rights of way shall not be counted towards the required minimum open space.

### (4) Street Standards

- a. Streets shall be developed to promote road safety, assure adequate access for fire and rescue vehicles and promote adequate vehicular circulation. The standards for street access is as follows:
  - 1. 1-20 lots = one (1) street access minimum
  - 2. 21-149 lots= two (2) street access minimum
  - 3. 150 or more lots = three (3) street access minimum
- b. The applicant must demonstrate that access to the development has the capacity to handle traffic generated by the proposed project and will not endanger the safety of the general public.
- c. The lay out of streets shall minimize disturbance of wetlands, floodplain and stream crossings, and traversing of slopes over 25 %, and shall limit the impact of streets on open space as defined in section 1.6.
- d. The design should provide streets that connect the subdivision to neighboring streets without requiring entrance onto the main arteries; all such streets are required to be public.

- e. Single-loaded streets are permissible when necessary to preserve open space.
- f. The right-of-way width for each road shall be wide enough to provide for all public services, including roadway drainage, sidewalks, trails, walkways and utilities.
- g. Streets that serve as collectors, interconnecting subdivisions and other major traffic generators, shall be designed according to the City's standards for collector roads.
- h. Where streets will connect with streets having differing standards, the street dimensions shall be the same as those of the connecting street. All street widenings shall occur at the nearest intersection.
- i. The developed area should have sidewalks on at least one side of the street.

(5) Sidewalks and Bicycle Lanes

- a. All developments shall contain sidewalks and bicycle lanes.
- b. Sidewalks, trails and other walkways shall be a minimum 5 feet in width
- c. Sidewalks shall be parallel to the street and shall be set back from at least four feet.
- d. Bicycle lanes shall be clearly demarcated on both sides of the street and shall be four feet in width
- e. On a case-by-case basis, in lieu of sidewalks or bicycle lanes that parallel the street, multi-use trails may be paved, mulched or otherwise suitable surfaced walking paths may be constructed without regard to street location, provided they fulfill the safety and connectivity purposes of this provision.

(6) *Protection of visibility for automotive traffic, cyclists and pedestrians.* Where there is pedestrian or bicycle access from within the development to a street at its edges by paths or across yards or other open space without a barrier to access to the street, no material impediment to visibility, as defined therein, shall be created or maintained within areas appropriate to the circumstances of the case.

(7) *Yards, fences, walls or vegetative screening.* Yards, fences, walls or vegetative screening at edges of Environmental Conservation Subdivision shall be provided where needed to protect residents from undesirable views, lighting, noise or other off-site influences, or to protect occupants of adjoining residential districts from similar adverse influences within the 1 Subdivision. In particular, extensive off-street parking areas and service areas for loading and unloading vehicles other than passenger, and areas for storage and collection of refuse and garbage shall be screened.

(8) *Height limitations at edges of Environmental Subdivision districts.* Except along boundaries where adjoining districts permit greater heights within similar areas, maximum height of buildings twenty (20) feet from property lines at the edge of the district shall be thirty-five (35) feet. Height may be increased one (1) foot for each foot of additional distance from such property lines up to a maximum setback of one-hundred (100) feet at which point any structure of any height shall be permitted.

(9) *Site Preparation.*

a. *Tree protection.*

1. Clearing, grading and disturbing of the areas around the construction sites shall be strictly minimized.
2. Trees that are to be preserved shall be fenced or ribboned off past the drip line during construction.

b. *Soil protection.*

1. Open space and buffer areas shall be designated and not disturbed during construction. An erosion and sediment control plan to be implemented during construction activities needs to be prepared to assure protection of these areas.
2. Applicants should reference the "Manual for Erosion and Sediment Control in Georgia," from the State Soil and Water Conservation Commission.

(c) *Open Space Standards.*

- (1) The minimum restricted Open Space shall comprise at least 40% of the gross tract area.
- (2) The following are considered Primary Conservation Areas and are required to be included within the Open Space, unless the Applicant demonstrates that this provision would constitute an unusual hardship and be counter to the purposes of this ordinance and section:
  - a. The 100-year floodplain;
  - b. Riparian zones of at least 75 ft width along all perennial and intermittent streams;
  - c. Slopes above 25% of at least 5000 square feet contiguous area;
  - d. Wetlands that meet the definition used by the Army Corps of Engineers pursuant to the Clean Water Act;
  - e. Populations of endangered or threatened species, or habitat for such species;
  - f. Archaeological sites, cemeteries and burial grounds;
- (3) The following are considered Secondary Conservation Areas and should be included within the Open Space to the maximum extent feasible.
  - a. Important historic sites
  - b. Existing healthy, native forests of at least one acre contiguous area
  - c. Individual existing healthy trees greater than 8 inches caliper, as measured from their outermost drip line
  - d. Other significant natural features and scenic viewsheds such as ridge lines, peaks and rock outcroppings, particularly those that can be seen from public roads
  - e. Prime agricultural lands of at least five acres contiguous area

- f. Existing trails that connect the tract to neighboring areas

(d) *Opens space management.*

- (1) *Generally.* Open Space is the portion of the conservation subdivision that has been set aside for permanent protection. Activities within the Open Space are restricted in perpetuity through the use of an approved legal instrument.
- (2) *Open Space Standards.*
  - a. The minimum restricted Open Space shall comprise at least 40% of the gross tract area.
  - b. The following are considered Primary Conservation Areas and are required to be included within the Open Space, unless the Applicant demonstrates that this provision would constitute an unusual hardship and be counter to the purposes of this article:
    - 1. The 100-year floodplain;
    - 2. Riparian zones of at least 75 ft width along all perennial and intermittent streams;
    - 3. Slopes above 25% of at least 5000 square feet contiguous area;
    - 4. Wetlands that meet the definition used by the Army Corps of Engineers pursuant to the Clean Water Act;
    - 5. Populations of endangered or threatened species, or habitat for such species; and
    - 6. Archaeological sites, cemeteries and burial grounds.
  - c. The following are considered Secondary Conservation Areas and should be included within the Open Space to the maximum extent feasible.
    - 1. Important historic sites;
    - 2. Existing healthy, native forests of at least one (1) acre contiguous area;
    - 3. Individual existing healthy trees greater than eight (8) inches caliper, as measured from their outermost drip line;
    - 4. Other significant natural features and scenic viewsheds such as ridge lines, peaks and rock outcroppings, particularly those that can be seen from public roads
    - 5. Prime agricultural lands of at least five (5) acres contiguous area
    - 6. Existing trails that connect the tract to neighboring areas
  - d. Above-ground utility rights-of-way and small areas of impervious surface may be included within the protected Open Space but cannot be counted towards the 40% minimum area requirement (exception: historic structures and existing trails may be counted). Large areas of impervious surface shall be excluded from the Open Space.
  - e. At least 25% of the Open Space shall consist of land that is suitable for building.
  - f. At least 75% of the Open Space shall be in a contiguous tract. The Open Space shall adjoin any neighboring areas of Open Space, other protected

areas, and non-protected natural areas that would be candidates for inclusion as part of a future area of protected Open Space.

- g. The Open Space shall be directly accessible to the largest practicable number of lots within the subdivision. Non-adjoining lots shall be provided with safe, convenient access to the Open Space.

(3) Uses of Open Space may include the following:

- a. Conservation of natural, archeological or historical resources;
- b. Meadows, woodlands, wetlands, wildlife corridors, game preserves, or similar conservation-oriented areas;
- c. Walking or bicycle trails, provided they are constructed of porous paving materials;
- d. Passive recreation areas, such as open fields;
- e. Active recreation areas, provided that they are limited to no more than 10% of the total Open Space and are not located within Primary Conservation Areas. Active recreation areas may include impervious surfaces. Active recreation areas in excess of this limit must be located outside of the protected Open Space.
- f. Agriculture, horticulture, silviculture or pasture uses, provided that all applicable best management practices are used to minimize environmental impacts, and such activities are not conducted within Primary Conservation Areas;
- g. Landscaped stormwater management facilities, community wastewater disposal systems and individual wastewater disposal systems located on soils particularly suited to such uses. Such facilities shall be located outside of Primary Conservation Areas;
- h. Easements for drainage, access, and underground utility lines;
- i. Other conservation-oriented uses compatible with the purposes of this ordinance.

(4) Prohibited uses of Open Space.

- a. Golf courses;
- b. Roads, parking lots and impervious surfaces, except as specifically authorized in the previous sections;
- c. Agricultural and forestry activities not conducted according to accepted Best Management Practices;
- d. Impoundments;
- e. Other activities as determined by the Applicant and recorded on the legal instrument providing for permanent protection.

(5) *Ownership and Management of Open Space.*

- a. *Ownership of Open Space.* A homeowners association representing residents of the conservation subdivision shall own the Open Space. Membership in the association shall be mandatory and automatic for all homeowners of the subdivision and their successors. The Homeowners' Association shall have

lien authority to ensure the collection of dues from all members. The responsibility for maintaining the Open Space and any facilities located thereon shall be borne by the Homeowner's Association.

- b. *Management Plan.* Applicant shall submit a Plan for Management of Open Space and Common Facilities ("Plan") that:
  - 1. allocates responsibility and guidelines for the maintenance and operation of the Open Space and any facilities located thereon, including provisions for ongoing maintenance and for long-term capital improvements;
  - 2. estimates the costs and staffing requirements needed for maintenance and operation of, and insurance for, the Open Space and outlines the means by which such funding will be obtained or provided; and
  - 3. provides that any changes to the Plan be approved by the Commissioner of Planning and Neighborhood Conservation; and provides for enforcement of the Plan.
- c. In the event the party responsible for maintenance of the Open Space fails to maintain all or any portion in reasonable order and condition, the City of Atlanta may assume responsibility for its maintenance and may enter the premises and take corrective action, including the provision of extended maintenance. The costs of such maintenance may be charged to the Homeowner's Association, or to the individual property owners that make up the Homeowner's Association, and may include administrative costs and penalties. Such costs shall become a lien on all subdivision properties.

(6) *Legal Instrument for Permanent Protection of Open Space.* The Open Space shall be protected in perpetuity by a binding legal instrument that is recorded with the deed. The instrument shall be one of the following:

- a. A permanent conservation easement in favor of either:
  - 1. A land trust or similar conservation-oriented non-profit organization with legal authority to accept such easements. The organization shall be bona fide and in perpetual existence and the conveyance instruments shall contain an appropriate provision for retransfer in the event the organization becomes unable to carry out its functions; or
  - 2. A governmental entity with an interest in pursuing goals compatible with the purposes of this ordinance.
    - i. If the entity accepting the easement is not the City of Atlanta, then a third right of enforcement favoring the City of Atlanta shall be included in the easement.
    - ii. A permanent restrictive covenant for conservation purposes in favor of a governmental entity.

iii. An equivalent legal tool that provides permanent protection, if approved by the City of Atlanta.

b. The instrument for permanent protection shall include clear restrictions on the use of the Open Space. These restrictions shall include all restrictions contained in this article, as well as any further restrictions the Applicant chooses to place on the use of the Open Space.

(e) *Tax Assessment of Open Space.*

Need to review  
legal  
requirements  
and  
intergovern-  
mental  
coordination of  
this section.

- (1) Once a legal instrument for permanent protection has been placed upon the Open Space, the Fulton or Dekalb County's tax assessment office shall be directed to reassess the Open Space at a lower value to reflect its more limited use. If the Open Space is used purely for passive recreational purposes and the terms of the instrument for permanent protection effectively prohibit any type of significant economic activity, then the assessment shall be at a value of zero.
- (2) The Open Space Management Plan shall be prepared, submitted and approved prior to the issuance of a land disturbance permit.
- (3) Instrument of Permanent Protection Required. An instrument of permanent protection, such as a conservation easement or permanent restrictive covenant and as described in Section 1.4, shall be placed on the Open Space concurrent with the issuance of a land disturbance permit.
- (4) The Applicant shall adhere to all other applicable requirements of the underlying zoning and City of Atlanta's Land Subdivision Code.

**Sec. 15-08.002. Streets.**

(a) Streets shall be designed as follows:

- (1) The arrangement, design, extent, width, grade and location of all streets shall be considered in relation to existing and planned streets, to topographical conditions, to public convenience and safety, and in their appropriate relation to the proposed uses of the land to be served by such streets. This subsection is not intended to prohibit cul-de-sacs which otherwise would meet the requirements of this part.
- (2) In all historic neighborhoods in which street layout and design are a part of and are directly related to identified elements of that neighborhood's historic character, all new streets shall conform to existing street design patterns.
- (3) All streets shall tie into existing streets or shall terminate in a cul-de-sac; except that when a street is part of a phased subdivision plan, that street may end without a cul-de-sac provided that a temporary turnaround is provided and a completion bond in the amount necessary to complete the construction of the cul-de-sac is posted.
- (4) Completed cul-de-sac streets shall not be permitted to be extended.
- (5) All new streets shall be located and designed so as to preserve mature trees when feasible, consistent with all other street design standards set forth in this part.



- (b) Residential collector and residential access streets shall be laid out so that their use by through traffic is discouraged.
- (c) Where a subdivision abuts or contains existing or proposed arterial or major collector streets, the bureau of planning may require a non-access reservation along said arterial or major collector streets and may further require that proposed building lots be served by newly developed local residential streets.
- (d) Reserved strips at the terminus of a new street are permitted only to the extent provided in subsection (a)(3) above and in section 15-08.005(a) below.
- (e) Centerlines of proposed intersections shall align with the centerline of existing streets or shall be offset at least 200 feet from the closest intersecting street.
- (f) Street intersections shall be as nearly at right angles as is possible.
- (g) Minimum street right-of-way and pavement widths shall be as follows:

Street Type	Right-of-Way	
Arterial street	114'	86'
Major collector street	80'	60'
Residential collector	50'	32'
Residential collector with bicycle lane	55'	37'
Residential access street and residential subcollector	32'	28'

- (h) Five (5) feet shall be added to right-of-way and pavement width required above when establishing new streets that will have bicycle lanes or when extending streets that have bicycle lanes.
- (i) Streets classified as "residential access street" and "residential subcollector" shall require a 10-foot utility easement on each side of the right-of-way.
- (j) The street classifications "residential access street" and "residential subcollector" shall be approved only for cul-de-sac streets or streets on a looped circular or semicircular alignment of 2,000 feet or less in length and 4,000 feet on looped streets.
- (k) All cul-de-sac streets shall have a turnaround, at the closed end, with a minimum right-of-way radius for residential property of 47 feet for residential access streets and residential subcollectors, 60 feet for residential collectors and 75 feet for any other street.
- (l) Public alleys shall not be permitted. Private alleys shall be permitted, and the applicant shall provide a program for the maintenance for any such private alley.

(m) Maximum street grades shall not exceed the following maximum grades:

<i>Street</i>	<i>Maximum Grade</i>
Arterial Street	6%
Major Collector	8%
Residential Collector	12%
Residential Access Street and Residential Subcollector	14%

(n) No street grade shall be less than one percent (1%).

(o) Sight distance shall be as follows:

- (1) *Horizontal alignment*: 200 linear feet minimum sight distance.
- (2) *Vertical alignment*: Four percent (4%) for residential collector and six percent (6%) for residential access street and residential subcollector maximum rate of change in grade per 100-foot station and all vertical curves shall be symmetrical.

(p) No street right-of-way shall be constructed closer to an exterior wall of a primary structure than the required front yard set back for that zoning district.

#### **Sec. 15-08.003. Easements.**

Permanent easements shall not be less than twenty (20) feet in width, except for utility easements which abut and are parallel to a public right-of-way.

#### **Sec. 15-08.004. Blocks.**

The lengths, widths and shapes of blocks shall be designed so as to meet each of the following requirements:

- (a) Provide for building sites with sufficient buildable area to build a house.
- (b) Meet zoning requirements as to lot sizes and dimensions
- (c) Assure access, circulation, and safety of pedestrian and vehicular traffic.

#### **Sec. 15-08.005. Lots.**

- (a) All proposed subdivisions shall be laid out and designed in an orderly pattern of development so as to provide for developable lots on both sides of all new streets and uniform building setbacks for all lots which radiate from the end of cul-de-sac street. No subdivision shall be approved in which lots are created on only one (1) side of a new street. No subdivision shall be approved in which there is a reserved strip of land along any portion of any street proposed to be created, regardless of the form of ownership which may be proposed for the reserved strip of land, except in the case of a parcel acquired by the applicant to provide access to an interior subdivision. In that event the access parcel shall be wide enough to contain the required street right-of-way and in addition shall have a width equal to the width required to provide the

minimum corner lot side setback from the proposed street to each existing house on the contiguous lots. The applicant may offer that portion of the side buffer strips to the contiguous homeowners as necessary to create a conforming corner lot, or, in the alternative may provide that a homeowners association maintain and operate the side buffer strips on either side of the entrance parcel. Side buffer strips shall not be included in calculations for required lot area. The director may waive the requirement set forth in this section that new streets shall have lots on both sides of said new street in cases where the subject site abuts a lake, or a public park or other permanent open space having a depth which is no less than 50 percent of the average depth of the lots in the proposed subdivision.

- (b) Each proposed subdivision plat shall indicate the buildable area of each proposed lot. In any case where yard requirements specified in parts 15 and 16 of this code differ, the more restrictive requirement shall apply.
- (c) Each lot to be created shall have a developable area for a residence and for accessory uses that meets the requirements of this part and of part 16 of this code. Lots which contain floodplains, wetlands, areas of severe slope, or other restrictive easements shall be reviewed by the director of the bureau of planning to ensure that the developable area is of the size and shape required by this part to permit the intended residential use. The minimum developable area for a dwelling shall be one (1) continuous area containing a minimum square footage for a dwelling as follows, and minimum square footage to allow space for accessory uses, and a total developable area as follows:

Zoning District	Minimum Dimensions of Continuous Area for Dwelling	Minimum Square Footage for Dwelling	Minimum Area for Accessory Uses	Total Developable Area Required
R-1	70' X 40'	2,800	2,800	5,600
R-2	60' X 30'	1,800	1,800	3,600
R-2A	50' X 30'	1,500	1,500	3,000
R-3	50' X 25'	1,250	1,250	2,500
R-3A	40' X 25'	1,000	1,000	2,000
R-4	40' X 25'	1,000	1,000	2,000
R-5	25' X 14'	350	350	700

- (d) *Layout of Building Lots.* Building lots shall be laid out and designed as follows, and no lot shall be approved unless the following standards have been met:
  - (1) Lots on cul-de-sac streets shall have side lot lines which are within 10 degrees of radial to the center of the ball of the cul-de-sac, shall have no less than 35 feet of frontage on the ball of the cul-de-sac, and shall have the required amount of frontage as is specified within the applicable zoning district regulation at the required front yard building setback line for that lot.

- (2) Corner lots are required to provide a half-depth front yard setback along the side street side. Corner lots shall have a street frontage which is 10 percent greater than the amount otherwise required by the applicable zoning district regulation.
  - (3) Side lot lines on curved streets shall be within 10 degrees of radial to the curved street line, shall have no less than 35 feet of frontage at the street, and shall have the required amount of frontage as is specified within the applicable zoning district regulation at the required front yard setback line for that lot.
  - (4) All lots, other than lots on the ball of cul-de-sac, corner lots, and lots on curved streets, which are described in subsections (1), (2) and (3) above, shall have the amount of lot frontage required by the applicable zoning district regulation. All such lots shall have side lot lines ranging between 80 and 100 degrees except where the existing side lot lines are approximately parallel to each other and intersect the adjacent street at an angle of not less than 60 degrees, and the proposed side lot lines replicate the existing side lot line pattern.
  - (5) Double-frontage lots shall be prohibited except where essential to provide separation of residential development from traffic arteries. Where such double-frontage lots are permitted, there shall be provided an undisturbed buffer zone of at least 20 feet along the major traffic artery over which there shall be no right of vehicular access.
  - (6) In all historic neighborhoods, in which lot layout, patterns, and design are a part of and are directly related to identified elements of that neighborhood's character, all new lots shall conform to existing lot layout, patterns, and design, including, without limitation, orientation of lots to public streets.
- (e) Land subject to flooding and land that is topographically unsuitable shall not be platted for residential occupancy nor for other uses when to do so will create or increase danger to health, life, or property or aggravate erosion or flood hazard. Such land within the subdivision shall be set aside for such uses as shall not be endangered by periodic or occasional inundation or shall not produce unsatisfactory living conditions.
- (f) *Dedication of Land in Floodplains, Wetland Areas, Stream and Creek Beds and Areas of Severe Slope.* Any land which is located within the limits of the 100-year floodplain, within a wetland area, adjacent to a stream or creek bed, or has a slope in excess of 60 degrees may, at the option of the applicant, either be designated on the subdivision plat as an area which will remain in perpetuity as an undisturbed area or may be deeded in fee or easement to the City of Atlanta or other government or to a private not-for-profit corporation authorized to receive land grants and approved by the governing authority, or may alternatively choose neither of the options described above.
- (g) *Land Previously Used for Landfill.* In any application for subdivision where the site has previously been used, in whole or in part, as a landfill, no such application shall be given final approval until all of the data described in (2) below has been submitted and the commissioner of the department of public works has made a finding, based on all said data provided pursuant to two (2) below, that the subject site is safe for development.

(1) The applicant shall submit geotechnical data, including a description of subsurface conditions, describing the character of any materials under the proposed subdivision site that may adversely affect the stability or settlement of proposed buildings or structures, and the presence of any soil contaminant which may adversely affect the use of proposed buildings or structures and the health and safety of future occupants of the subject site. Said geotechnical data shall be certified by a registered professional engineer and shall contain the following information:

- a. Boring logs at a frequency determined by the commissioner of the department of public works, including soils laboratory data from a recognized testing laboratory; and
- b. Analysis of the soil composition with specific analysis to determine the presence of methane or similar hazardous gases; and
- c. Conclusions by the engineer of record as to the suitability of the subject site for the purposes intended.

**Sec. 15-08.006. Water detention areas.**

Where water detention facilities are required pursuant to this part, or by chapter 138 of this code, or by any other applicable local, state or federal regulation, in the approval of any subdivision, the area or areas of any lot or lots on which that portion of the facility serving the area of the five-year storm storage elevation is located shall be increased by an amount equal to the total area of land which is required for the development of the water detention area.

Open water detention structures shall not be located within any yard adjacent to a public street, provided that the commissioner of the department of public works may approve an underground detention facility that is so located, and further provided that where an applicant proposes to construct a collective detention area that serves as an amenity area for the entire subdivision, the director, bureau of planning shall have the discretion to approve said collective detention area. In both instances, the applicant shall provide an agreement holding the City of Atlanta harmless from liability for the construction and maintenance of said water management facilities, and the subdivision plat shall contain a notation that assigns all legal responsibility to the owners for the construction and maintenance of said water management facilities.

**Sec. 15-09.001. Required improvements.**

**Sec. 15-09.002. Street improvements.**

Street improvements shall be provided in each subdivision in accordance with the standards and specifications applicable thereto promulgated by the commissioner of the department of public works.

**Sec. 15-09.003. Sidewalk and curb improvements.**

Except as provided herein, sidewalks shall be provided in each subdivision on both sides of existing and proposed streets. The city council may, through an appropriate resolution for each subdivision, waive the foregoing requirement in order to permit the developer of said subdivision to construct sidewalks of equal or greater length along adjoining streets; provided, however, that the city council may grant such a waiver only if the subdivision developer or the pertinent neighborhood planning unit has formally petitioned the city for said waiver, and only if the city council has received formal comments on said petition from the commissioner of public works and the commissioner of planning, development and neighborhood conservation.

**Sec. 15-09.004. Sanitary facilities.**

- (a) *Sanitary Sewer Available.* Except as provided in subsection (b) below, the applicant shall provide a separate sanitary sewer service connection from a public sanitary sewer to each lot being developed. A City of Atlanta standard sanitary sewer cleanout shall be provided on each sewer connection at the right-of-way/property line location. All sanitary sewer connection and cleanouts shall be installed in accordance with standards and specifications promulgated by the commissioner of the department of public works.
- (b) *Sanitary Sewer Not Available.* When in the written opinion of the health officer of Fulton or DeKalb County and the commissioner of the department of public works a public sanitary sewer is not accessible, proper provisions shall be made for the disposal of sanitary wastes in accordance with standards and requirements, including percolation tests, of the health officer of Fulton or DeKalb County. Septic tanks and drain fields shall not be permitted on any lot of less than 30,000 square feet in lot area and less than 100 feet minimum frontage.
- (c) *Future Sanitary Outfall Sewers.* Easements granted to the city for future sanitary outfall sewers shall be executed by the owner, and the location of such easement shall be shown on the final plat in accordance with the location approved by the commissioner of public works.

**Sec. 15-09.005. Drainage.**

- (a) *Facilities Required.* As determined by the commissioner of public works and/or the health officer of Fulton County or DeKalb County, the developer shall provide for all necessary facilities, including underground pipe, inlets, catch basins or open drainage ditches, for the adequate disposal of surface water, to maintain any natural drainage course and to establish easements for future sewers and outfalls, if needed. Other improvements, such as widening, deepening, relocating, clearing, protecting or otherwise improving stream beds and other watercourses for the control of mosquitoes and public health nuisances shall be provided by the developer in accordance with the standards and requirements of the appropriate local permitting authority and applicable regulations promulgated pursuant to the Clean Water Act, 33 U.S.C. section 1251, et seq., as amended.

- (b) *Installation.* All installations required by this section shall be installed or performance bond posted to ensure installation by the owner before the final plat is approved.

**Sec. 15-09.006. Street paving.**

After final approval of the preliminary plat and prior to carrying out initial improvements based on the preliminary plat, the applicant may seek a building permit from the bureau of buildings of the City of Atlanta. After a building permit has been obtained, the applicant may proceed with grading and infrastructure installation in accordance with the requirements of the building permit, the standards set forth in this part, and the standards and specifications applicable thereto promulgated by the commissioner of the department of public works.

**Sec. 15-09.007. Reference monuments.**

Permanent reference monuments shall be of one-inch pipe at least thirty-six (36) inches long and shall be set to approved grades. The monuments shall be set at block corners and such other points as may be required by the city. Permanent reference monuments for lot corners shall be half-inch iron rods thirty (30) inches long with top set flush with the ground.

**Sec. 15-09.008. Water impoundment structures.**

Any water impoundment structure shall be constructed so as to minimize mosquito breeding and other nuisances and hazards. The outside toe of any dam shall be at least fifty (50) feet away from the toe of the street right-of-way slope. Any dam to be constructed within the city shall require the approval of the commissioner of public works and the health officer, and shall be constructed in accordance with standards and specifications promulgated by the commissioner of the department of public works.

**Sec. 15-10.001. Appeals.**

Final administrative decisions made pursuant to this part by the director, bureau of planning, director, bureau of buildings and the commissioner of the department of public works may be appealed by an aggrieved party to the board of zoning adjustment in accordance with the procedures set forth in section 16-30.010 of this code. Appeals from the board of zoning adjustment of Fulton County Superior Court shall be the same as those authorized and provided by section 16-26.007 of this code. No provision contained within this part shall be subject to variance by the board of zoning adjustment.

**Section 15-11.001. Violation and penalty.**

The provisions of this part shall be enforced by the director, bureau of buildings. Any person, firm or corporation violating any of the provisions of this part shall be deemed guilty of an offense and upon conviction thereof shall be punished as provided in section 1-8 of this code. Each day's continuance of a violation shall be considered a separate offense. The owner of any property, or part thereof, where anything in violation of this

part exists, and any engineer, architect, landscape architect, land surveyor, builder, contractor or agent of the owner, who commits or assists in the commission of any violation, shall be guilty of a separate offense.

**Section 15-12.001. Separability of provisions.**

Should any section or provision of this part be declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of this part as a whole or any section thereof other than the section or provision specifically declared to be invalid.



## Attachment A

### Conservation Subdivision Trigger Area Guidelines

- ☐ Within 200 feet of streams
- ☐ Within 200 feet of existing greenways
- ☐ Containing wetlands/water bodies
- ☐ Within 100 year floodplain
- ☐ Containing soils that flood
- ☐ Within 2000 feet of Chattahoochee River
- ☐ Containing Forested lands
- ☐ Containing significant cultural or archaeological resources
- ☐ Within public interest area

SECTION 2: That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

City Council  
Atlanta, Georgia

04-0-0073

A SUBSTITUTE ORDINANCE  
BY: ZONING COMMITTEE

Z-03-88  
12/9/03

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

SECTION 1. That the Zoning Ordinance of the City of Atlanta, Georgia be amended and the maps established in connection therewith be changed so that the following property located at **the N.E. corner of Pryor Road, S.W. and Thirkeld Avenue, S.W.** be changed from the **C-1-C (Community Business-Conditional)** District to the **C-3-C (Commercial-Residential Conditional)** District, to wit:

ALL THAT TRACT or parcel of land lying and being in Land Lots **72 & 73** of the **14<sup>th</sup>** District of **Fulton** County, Georgia, being more particularly described by the attached legal description.

SECTION 2. If this amendment is approved under the provisions of Section 16-02.003 of the Zoning Ordinance of the City of Atlanta, entitled, "Conditional Development," as identified by the use of the suffice "C" after the district designation in Section 1 above, the Director, Bureau of Buildings, shall issue a building permit for the development of the above-described property only in compliance with the attached conditions. Any conditions hereby approved (including any conditional site plan) do not authorize the violation of any district regulations. District regulation variances can be approved only by application to the Board of Zoning Adjustment.

SECTION 3. That the maps referred to, now on file in the Office of the Municipal Clerk, be changed to conform with the terms of this ordinance.

SECTION 4. That all ordinances or parts of ordinances that are in conflict with the terms of this ordinance are hereby repealed.

Z-03-88  
page 1 of 2



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CHD.=S32°50'54"E  
/ 37.10'

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# PARCEL 17 LEGAL DESCRIPTION

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOTS 72 & 73 OF THE 14TH DISTRICT OF FULTON COUNTY, (CITY OF ATLANTA) GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A 1/2" REBAR AND SURVEYOR'S CAP SET AT THE INTERSECTION OF THE SOUTHWESTERLY RIGHT OF WAY LINE OF MOURY AVENUE (60 FOOT TOTAL RIGHT OF WAY WIDTH) AND THE NORTHWESTERLY RIGHT OF WAY LINE OF THIRKELD AVENUE (60 FOOT RIGHT OF WAY WIDTH);

THENCE ALONG THE NORTHWESTERLY RIGHT OF WAY LINE OF THIRKELD AVENUE SOUTH 57 DEGREES 29 MINUTES 58 SECONDS WEST, 177.97 FEET TO A 1/2" REBAR AND SURVEYOR'S CAP SET ON SAID RIGHT OF WAY LINE, SAID POINT BEING THE POINT OF BEGINNING;

THENCE CONTINUING ALONG THE NORTHWESTERLY RIGHT OF WAY LINE OF THIRKELD AVENUE, SOUTH 57 DEGREES 29 MINUTES, 58 SECONDS WEST, 215.39 FEET TO A POINT;

THENCE CONTINUING ALONG SAID NORTHWESTERLY RIGHT OF WAY LINE OF THIRKELD AVENUE ALONG THE ARC OF A CURVE TO THE RIGHT A DISTANCE OF 12.79 FEET, SAID CURVE HAVING A RADIUS OF 20.00 FEET AND BEING SUBTENDED BY A CHORD OF SOUTH 75 DEGREES 49 MINUTES 11 SECONDS WEST, 12.57 FEET TO A POINT;

THENCE ALONG THE NORTHERLY RIGHT OF WAY LINE OF THIRKELD AVENUE, NORTH 85 DEGREES 51 MINUTES 35 SECONDS WEST, 296.16 FEET TO A 1/2" REBAR AND SURVEYOR'S CAP SET AT THE SOUTH CORNER OF THE REQUIRED MITERED RIGHT OF WAY LINE OF THIRKELD AVENUE;

THENCE ALONG SAID REQUIRED MITERED RIGHT OF WAY LINE OF THIRKELD AVENUE, NORTH 41 DEGREES 30 MINUTES 59 SECONDS WEST, 28.61 FEET TO A POINT AT THE INTERSECTION OF THE NORTH CORNER OF THE NORTHERLY REQUIRED MITERED RIGHT OF WAY LINE OF THIRKELD AVENUE AND THE EASTERLY RIGHT OF WAY LINE OF PRYOR ROAD (APPARENT 55 FOOT TOTAL RIGHT OF WAY WIDTH, 27.5 FEET EAST OF CENTERLINE);

THENCE LEAVING THE REQUIRED MITERED RIGHT OF WAY LINE OF THIRKELD AVENUE AND ALONG THE EASTERLY RIGHT OF WAY LINE OF PRYOR ROAD, NORTH 02 DEGREES 49 MINUTES 38 SECONDS EAST, 205.00 FEET TO A POINT;

THENCE LEAVING THE EASTERLY RIGHT OF WAY LINE OF PRYOR ROAD; SOUTH 85 DEGREES 51 MINUTES 35 SECONDS EAST, 211.59 FEET TO A 1/2" REBAR AND SURVEYOR'S CAP SET;

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THENCE SOUTH 32 DEGREES 56 MINUTES 20 SECONDS EAST, 95.63 FEET TO THE POINT OF BEGINNING.

SAID TRACT OR PARCEL OF LAND CONTAINING 2.5346 ACRES (110,408 SQUARE FEET).

SURVEYOR'S NOTES

2-03-88

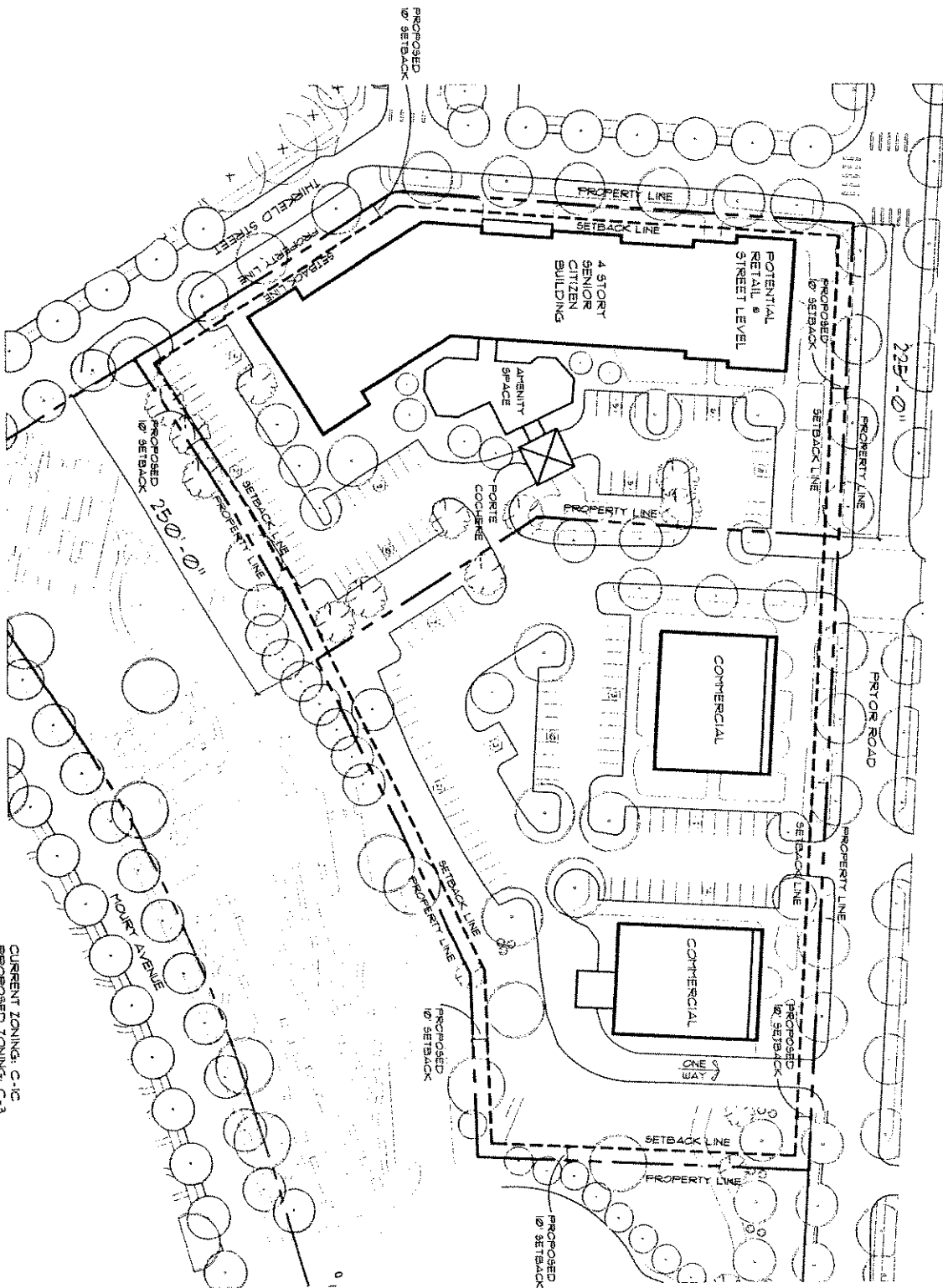
Page 2 of 2

SEILER & ASSOCIATES, INC.

GRAPHIC

Conditions for Z-03-88

Site plan titled Pryor Road Mixed Use, by Rees/Design Associates, P.C., dated December 1, 2003, and stamped as received by the City of Atlanta Bureau of Planning on December 9, 2003



CURRENT ZONING: C-1C  
PROPOSED ZONING: C-3

PROPOSED USE:

100 UNIT (2) SENIOR CITIZEN APARTMENT BUILDING  
16,000 SF (2) COMMERCIAL SPACE

AREA: 5.4 ACRES TOTAL

2.5 ACRES • RESIDENTIAL SPACE  
2.9 ACRES • COMMERCIAL SPACE

PARKING:

68 SPACES • RESIDENTIAL SPACE  
80 SPACES • COMMERCIAL SPACE



REES/DESIGN ASSOCIATES, P.C.  
DECEMBER 1, 2003



## PRYOR ROAD MIXED USE

REES/DESIGN ASSOCIATES, P.C.  
ARCHITECTURE \* PLANNING \* INTERIORS  
2955 PHARR COURT SOUTH SUITE 200  
ATLANTA, GEORGIA 30305 (404)240-9299

ARCHITECT

City Council  
Atlanta, Georgia

04-0 -0073

AN ORDINANCE  
BY: ZONING COMMITTEE

Z-03-88  
12-9-03

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA,  
as follows:

SECTION 1. That the Zoning Ordinance of the City of Atlanta, Georgia be amended and the maps established in connection therewith be changed so that the following property located at **the N.E. Corner of Pryor Road, S.W. and Thirkeld Avenue, S.W.** be changed from the **C-1-C (Community Business-Conditional)** District, to the **C-3 (Commercial-Residential)** District, to wit:

ALL THAT TRACT or parcel of land lying and being in Land Lot **72& 73** of the **14<sup>th</sup>** District of **Fulton** County, Georgia, being more particularly described by the attached legal description.

SECTION 2. If this amendment is approved under the provisions of Section 16-02.003 of the Zoning Ordinance of the City of Atlanta, entitled, "Conditional Development," as identified by the use of the suffice "C" after the district designation in Section 1 above, the Director, Bureau of Buildings, shall issue a building permit for the development of the above-described property only in compliance with the attached conditions. Any conditions hereby approved (including any conditional site plan) do not authorize the violation of any district regulations. District regulation variances can be approved only by application to the Board of Zoning Adjustment.

SECTION 3. That the maps referred to, now on file in the Office of the Municipal Clerk, be changed to conform with the terms of this ordinance.

SECTION 4. That all ordinance or parts of ordinances that are in conflict with the terms of this ordinance are hereby repealed.



# PARCEL 13 LEGAL DESCRIPTION

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOTS 72 & 73 OF THE 14TH DISTRICT OF FULTON COUNTY, (CITY OF ATLANTA) GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE EASTERLY RIGHT OF WAY LINE OF PRYOR ROAD (APPARENT 55 FOOT RIGHT OF WAY, 27.5 FEET EAST OF CENTERLINE) AND THE SOUTHERLY RIGHT OF WAY LINE OF MOURY AVENUE (60 FOOT TOTAL RIGHT OF WAY WIDTH);

THENCE ALONG THE EASTERLY RIGHT OF WAY LINE OF PRYOR ROAD, SOUTH 03 DEGREES 00 MINUTES 15 SECONDS WEST, 350.54 FEET TO A POINT;

THENCE CONTINUING ALONG THE EASTERLY RIGHT OF WAY LINE OF PRYOR ROAD, SOUTH 02 DEGREES 49 MINUTES 38 SECONDS WEST, 238.94 FEET TO AN "X" SCRIBED IN CONCRETE, SAID POINT BEING THE POINT OF BEGINNING;

THENCE LEAVING THE EASTERLY RIGHT OF WAY LINE OF PRYOR ROAD, SOUTH 87 DEGREES 10 MINUTES 22 SECONDS EAST, 231.27 FEET TO A 1/2" REBAR AND SURVEYOR'S CAP SET;

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THENCE ALONG THE EASTERLY RIGHT OF WAY LINE OF PRYOR ROAD, NORTH 02 DEGREES 49 MINUTES 38 SECONDS EAST, 453.70 FEET TO THE POINT OF BEGINNING.

SAID TRACT OR PARCEL OF LAND CONTAINING 2.9441 ACRES (128,243 SQUARE FEET).

MOURY AVE.  
60' R/W  
PB 231 PG 21

THIRKELD AVENUE  
60' R/W  
PB 231 PG 20

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IN=974.9(N)  
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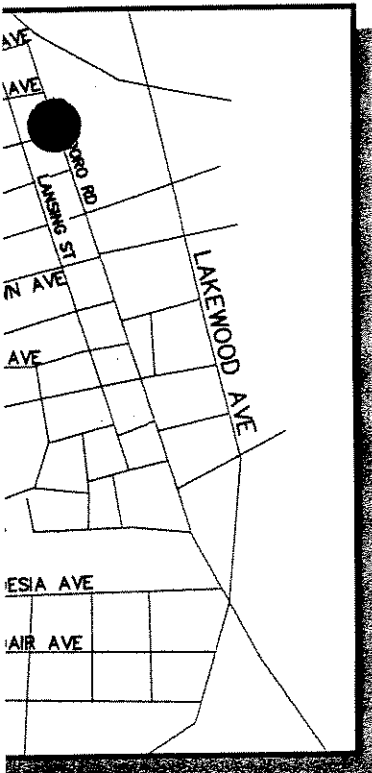


APPROXIMATE LOCATION LAND LOT LINE

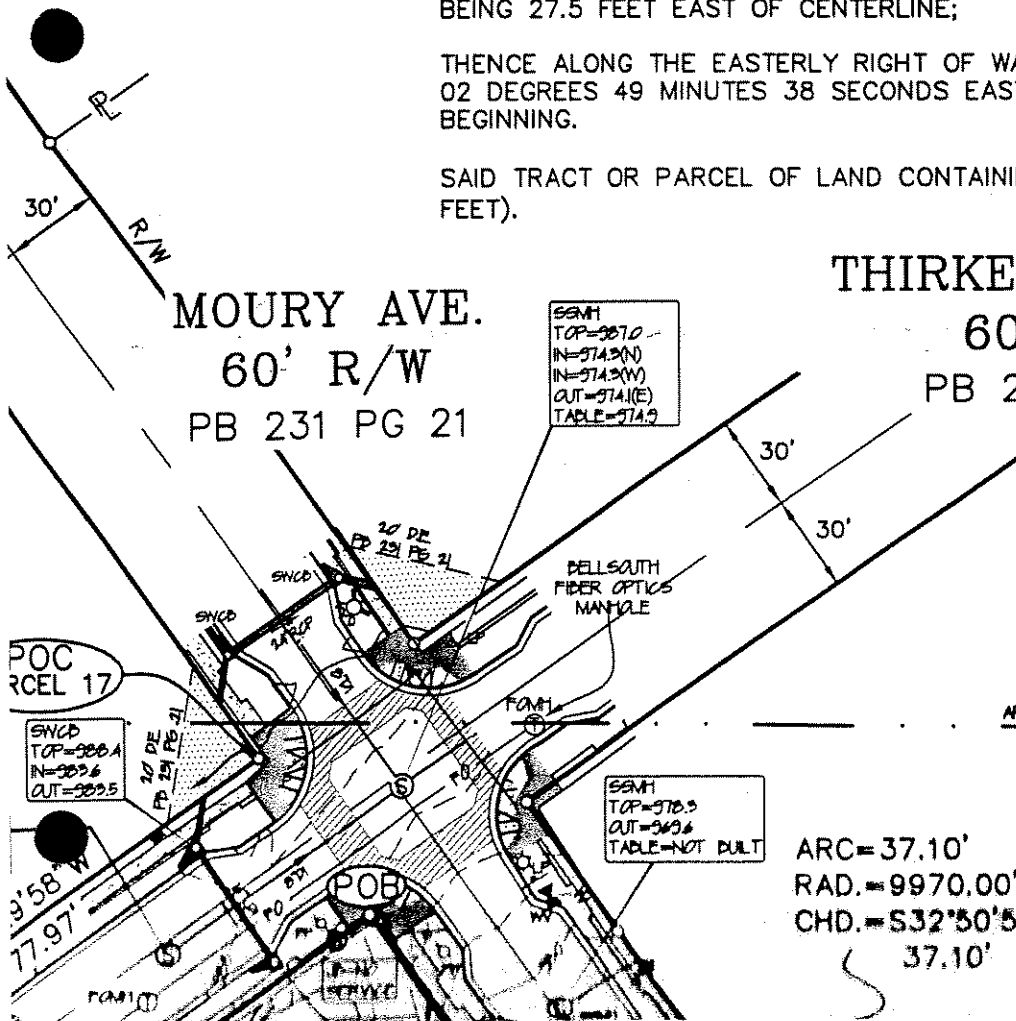
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RAD.=9970.00'  
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Z-03-88

Page 1 of 2



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# PARCEL 17 LEGAL DESCRIPTION

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COMMENCING AT A 1/2" REBAR AND SURVEYOR'S CAP SET AT THE INTERSECTION OF THE SOUTHWESTERLY RIGHT OF WAY LINE OF MOURY AVENUE (60 FOOT TOTAL RIGHT OF WAY WIDTH) AND THE NORTHWESTERLY RIGHT OF WAY LINE OF THIRKELD AVENUE (60 FOOT RIGHT OF WAY WIDTH);

THENCE ALONG THE NORTHWESTERLY RIGHT OF WAY LINE OF THIRKELD AVENUE SOUTH 57 DEGREES 29 MINUTES 58 SECONDS WEST, 177.97 FEET TO A 1/2" REBAR AND SURVEYOR'S CAP SET ON SAID RIGHT OF WAY LINE, SAID POINT BEING THE POINT OF BEGINNING;

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SURVEYOR'S NOTES

2-03-88

Page 2 of 2

SEILER

GRAPHIC

RCS# 5358  
1/20/04  
3:01 PM

Atlanta City Council

Regular Session

MULTIPLE 1ST READS;04-O-0069,04-O-0070,04-O-0071,  
04-O-0072, 04-O-0073, 04-O-0074  
REFER

YEAS: 11  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 2  
EXCUSED: 0  
ABSENT 3

Y Smith	Y Archibong	Y Moore	Y Mitchell
Y Starnes	B Fauver	Y Martin	Y Norwood
Y Young	Y Shook	Y Maddox	Y Willis
B Winslow	NV Muller	B Boazman	NV Woolard

MULTIPLE

City Council  
Atlanta, Georgia

04-0 -0073

AN ORDINANCE  
BY: ZONING COMMITTEE

Z-03-88  
12-9-03

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA,  
as follows:

SECTION 1. That the Zoning Ordinance of the City of Atlanta, Georgia be amended and the maps established in connection therewith be changed so that the following property located at **the N.E. Corner of Pryor Road, S.W. and Thirkeld Avenue, S.W.** be changed from the **C-1-C (Community Business-Conditional)** District, to the **C-3 (Commercial-Residential)** District, to wit:

ALL THAT TRACT or parcel of land lying and being in Land Lot **72& 73** of the **14<sup>th</sup>** District of **Fulton** County, Georgia, being more particularly described by the attached legal description.

SECTION 2. If this amendment is approved under the provisions of Section 16-02.003 of the Zoning Ordinance of the City of Atlanta, entitled, "Conditional Development," as identified by the use of the suffice "C" after the district designation in Section 1 above, the Director, Bureau of Buildings, shall issue a building permit for the development of the above-described property only in compliance with the attached conditions. Any conditions hereby approved (including any conditional site plan) do not authorize the violation of any district regulations. District regulation variances can be approved only by application to the Board of Zoning Adjustment.

SECTION 3. That the maps referred to, now on file in the Office of the Municipal Clerk, be changed to conform with the terms of this ordinance.

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MOURY AVE.

60' R/W

PB 231 PG 21

THIRKELD AVENUE

60' R/W

PB 231 PG 20

SSMH  
TOP=957.0  
IN=914.9(N)  
OUT=914.9(W)  
TABLE=914.9

SSMH  
TOP=970.9  
OUT=970.9  
TABLE=NOT BUILT

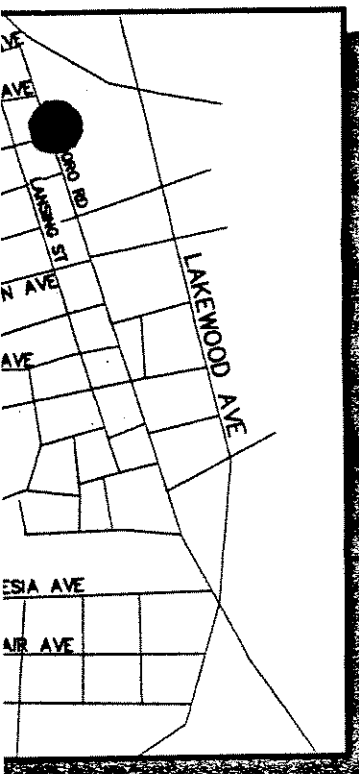


APPROXIMATE LOCATION LAND LOT LINE

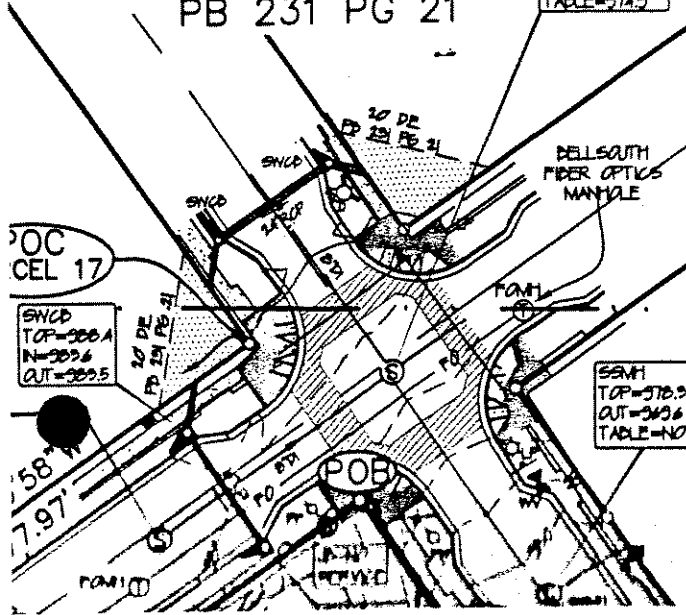
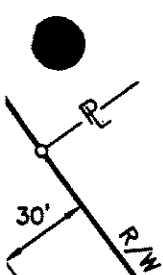
ARC=37.10'  
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Z-03-88

Page 1 of 2



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SURVEYOR'S NOTES

2-03-88

Page 2 of 2

SEILER

GRAPHIC

RCS# 5358  
1/20/04  
3:01 PM

Atlanta City Council

Regular Session

MULTIPLE

1ST READS; 04-O-0069, 04-O-0070, 04-O-0071,  
04-O-0072, 04-O-0073, 04-O-0074  
REFER

YEAS: 11  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 2  
EXCUSED: 0  
ABSENT 3

Y Smith	Y Archibong	Y Moore	Y Mitchell
Y Starnes	B Fauver	Y Martin	Y Norwood
Y Young	Y Shook	Y Maddox	Y Willis
B Winslow	NV Muller	B Boazman	NV Woolard

MULTIPLE

Municipal Clerk  
Atlanta, Georgia

**04-0-0458**

AN ORDINANCE  
BY: ZONING COMMITTEE

Z-04-10  
1-27-04

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

SECTION 1. That the Zoning Ordinance of the city of Atlanta be amended, and the maps established in connection therewith be changed so that the following property located at **1891 Evans Drive, S.W.** be changed from the **R-4 (Single-Family Residential) District, and the I-2 (Heavy Industrial) District to the R-4-C (Single-Family Residential ) District**, to wit:

ALL THAT TRACT or parcel of land lying and being in **Land Lot 122** of the 14<sup>th</sup> District, **Fulton** County, Georgia, being more particularly described by the attached legal description.

SECTION 2. If this amendment is approved under the provisions of Section 16-02.003 of the Zoning Ordinance of the City of Atlanta, entitled, "Conditional Development", as identified by the use of the suffice "C" after the district designation in Section 1 above, the Director, Bureau of Buildings, shall issue a building permit for the development of the above-described property only in compliance with the attached conditions. Any conditions hereby approved (including any conditional site plan) do not authorize the violation of any district regulations. District regulation variances can be approved only by application to the Board of Zoning Adjustment.

SECTION 3. That the maps referred to, now on file in the Office of the Municipal Clerk, be changed to conform with the terms of this ordinance.

SECTION 4. That all ordinances or parts of ordinances in conflict with the terms of this ordinance are hereby repealed.

D-4



## **CONDITIONS 1891 EVANS DRIVE**

**Z-04-10**

1. The I-2 portion of the Property will be rezoned to R4 and the entire Property developed under the R4 classification.
2. There shall be no vinyl or aluminum siding used within the development. All homes shall have exteriors of brick, stucco, stone or other masonry, Hardi-Board, clapboards, cedar shakes or shingles, or some combination of these materials.
3. The size of the homes will be from 1,140 square feet to 1,400 square feet.
4. Five (5) foot sidewalks will be installed on both sides of the street. The sidewalks will extend the full length of the street to Evans Drive and follow to the property line on each side of Evans Drive, provided they are not prohibited by the tributary buffer. The 3-foot planting strip will be installed provided it is allowed under the City's subdivision regulations.
5. The entrance to the development shall be landscaped.
6. Driveways shall be no wider than ten (10) feet between the curb and the residence and onsite parking shall be limited to the side or rear of the residence. Garage doors shall not face the street.

AN ORDINANCE

*Ivory Lee Young, Jr.*

Z-04-99

BY COUNCILMEMBER IVORY LEE YOUNG, JR.

**TO AMEND THE ZONING ORDINANCE OF THE CITY OF ATLANTA SO AS TO REZONE PROPERTY IN DIXIE HILLS, HUNTER HILLS, GROVE PARK, CENTER HILL, WEST LAKE, WASHINGTON PARK, ENGLISH AVENUE, VINE CITY, BANKHEAD AVENUE, HARVEL HOMES, URBAN VILLA, PENELOPE NEIGHBORS, MOZLEY PARK, AND KNIGHT PARK/HOWELL STATION WHICH ARE WHOLLY OR PARTIALLY LOCATED IN COUNCIL DISTRICT 3 FROM R-5 (TWO-FAMILY RESIDENTIAL) TO R4-A (SINGLE-FAMILY RESIDENTIAL); AND FOR OTHER PURPOSES.**

**WHEREAS**, there are numerous parcels of undeveloped land within the Council District 3 that are zoned R-5, a classification which permits the construction of duplexes; and

**WHEREAS**, many of the undeveloped R-5 parcels are located in neighborhoods which are predominately single-family; and

**WHEREAS**, there is an increasing demand for new housing construction and development in the City of Atlanta; and

**WHEREAS**, the residents of Dixie Hills, Hunter Hills, Grove Park, Center Hill, West Lake, Washington Park, English Avenue, Vine City, Bankhead Avenue, Harvel Homes, Urban Villa, Penelope Neighbors, Mozley Park, and Knight Park/Howell Station which are wholly or partially located in Council District 3 have expressed concern over the effects of the construction of new duplexes in single family neighborhoods; and

**WHEREAS**, it is in the best interest of the health safety and welfare of the citizens of the City of Atlanta that all reasonable efforts be made to encourage and support the preservation and development of single family neighborhoods; and

**WHEREAS**, it is consistent with the goals of the Comprehensive Development Plan and the intent of this ordinance that those vacant R-5 parcels, which currently allow the construction of duplexes only be developed with single family residences.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA** as follows:

**SECTION 1:** That the Zoning Ordinance of the city of Atlanta be amended, and the maps established in connection therewith be changed so that the property located within the boundaries of Dixie Hills, Hunter Hills, Grove Park, Center Hill, West Lake, Washington Park, English Avenue, Vine City, Bankhead Avenue, Harvel Homes, Urban Villa, Penelope Neighbors, Mozley Park, and Knight Park/Howell Station neighborhoods which are wholly or partially located in Council District 3 are rezoned from R-5 to R-4A,

**ALL THAT TRACT** or parcel of land lying and being in the boundaries of the neighborhoods of Atlanta City Council District 3 and of Fulton County, Georgia, being more particularly described by the attached map.

**SECTION 2:** That the boundaries of Council District 3 as set forth in the City Charter shall describe the area to which this rezoning applies.

**SECTION 3:** That the maps referred to, now on file in the Office of the Municipal Clerk, be changed to conform to the terms of this ordinance.

**SECTION 4:** That all ordinances or parts of ordinances in conflict with the terms of this ordinance are hereby repealed.

# IVORY LEE YOUNG, JR. DISTRICT - 3

LEGEND

LAND LOTS

NEIGHBORHOODS

RAILROADS

HIGHWAYS

WATER

STREETS

NPU

COUNCIL DISTRICTS

QUADRANT

AX DISTRICTS

SCALE  
1"= 2500'



**COMMITTEE AMENDMENT FORM**

Committee ZONING Page Number(s) 2

Ordinance I.D.# 04-0-1365 Section(s) 1

Resolution I.D.# \_\_\_\_\_ Paragraph (B)

Date 12/1/04

Amendment: ADD WORD "VALID" BEFORE

LICENSE ON LINE 5 SUCH THAT

THIS LINE SHALL READ

"OPERATED AT THAT LOCATION UNLESS THERE

HAS BEEN A VALID LICENSE FOR

ON PREMISES"

**A SUBSTITUTE ORDINANCE BY:  
COUNCILMEMBER ANNE FAUVER**

**04-0-1365**

**AN ORDINANCE TO AMEND CERTAIN SECTIONS OF CHAPTER 16 OF THE CITY OF ATLANTA CODE OF ORDINANCES ("THE ZONING CODE") FOR THE PURPOSE OF MODIFYING THE PARKING REQUIREMENTS ASSOCIATED WITH EATING AND DRINKING ESTABLISHMENTS IN ORDER TO INCREASE THE PARKING REQUIREMENTS FOR THOSE ESTABLISHMENTS LICENSED FOR THE ON THE PREMISES CONSUMPTION OF MALT BEVERAGES, WINE AND/OR DISTILLED SPIRITS WHEN SUCH ESTABLISHMENTS DERIVE MORE THAN 60% OF THEIR INCOME FROM SUCH SALES; AND FOR OTHER PURPOSES.**

**WHEREAS**, the Alcohol Technical Advisory Group was asked to review certain provisions of Chapter 10 of the City of Atlanta Code of Ordinances which regulates the sale of alcoholic beverages and to produce recommendations; and

**WHEREAS**, the Alcohol Technical Advisory Group has reviewed the ordinances related to parking in establishments which are licensed for the sale of distilled spirits for on premises consumption; and

**WHEREAS**, the Alcohol Technical Advisory Group has also reviewed the parking requirements which apply to eating and drinking establishments as set forth in the Zoning Code; and

**WHEREAS**, the Alcohol Technical Advisory Group believes that the two sets of parking requirements can be consolidated without any deleterious effects on the public health, safety and welfare; and

**WHEREAS**, the Alcohol Technical Advisory Group has found that the regulatory purposes related to these parking requirements can be best served by having most of the parking regulations appear only in the Zoning Code; and

**WHEREAS**, the Alcohol Technical Advisory Group has presented ordinances which to both the Public Safety and Legal Administration Committee and the Zoning Committee to accomplish this consolidation;

**NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:**

**Section 1.** That Section 16-24.006 of the City of Atlanta Zoning Code concerning non-conforming characteristic of use is amended by denoting the present text to be identified as subsection (a) and by adding the following text to become subsection (b) which shall read as follows:

(b) The parking requirements for a business that is to be operated with a license for the consumption of malt beverages, wine and/or distilled spirits, shall not be based on the continuation of non-conforming off street parking arrangements for any eating and drinking establishment that has previously operated at that location unless there has been a license for on-premises consumption of the same type as that under consideration, in operation at that location within the previous twelve months.

**Section 2.** That Section 16-09.003(7) of the City of Atlanta Zoning Code concerning principal permitted uses in RLC zoning districts which reads as follows:

(7) Restaurants, in existing structures with no more than 2,000 square feet of floor space devoted to such use and having no drive-in service.

is amended to read as follows:

(7) Restaurants, including those licensed for the on-premises consumption of malt beverages, wine and/or distilled spirits, which are operated in existing structures with no more than 2,000 square feet of floor space devoted to such use and having no drive-in service.

**Section 3.** That Section 16-09.005(1)(f) of the City of Atlanta Zoning Code concerning uses allowed by special permits in RLC zoning districts which reads as follows:

(f) Outdoor dining at restaurants when any part of such use is located within 1,000 feet of property that is zoned as an R-1, R-2, R-2A, R-3, R-3A, R-4, R-4A, R-4B, or R-5 district, or that is used as a residential property.

is amended to read as follows:

(f) Outdoor dining at restaurants, including those licensed for the on-premises consumption of malt beverages, wine and/or distilled spirits when any part of such use is located within 1,000 feet of property that is zoned as an R-1, R-2, R-2A, R-3, R-3A, R-4, R-4A, R-4B, or R-5 district, or that is used as a residential property.

**Section 4.** *Text deleted* – No change required to Section 16-09.011(10);

**Section 5.** *Text deleted* – No change required to Section 16-09.011(11);

**Section 6.** That Section 16-10.004 of the City of Atlanta Zoning Code concerning accessory uses and structures in O-I zoning districts which reads as follows:

Uses and structures which are customarily incidental and subordinated to permitted principal uses and structures, to include devices for the generation of energy such as solar panels, wind generator and similar devices. And in addition the following retail uses subject to the limitations set forth herein:

- (1) Apothecary shops, optical shops, shops for sale of prosthetic appliances, hearing aids and the like.
- (2) Barbershops, beauty shops and similar personal service establishments.
- (3) Eating and drinking establishments.
- (4) Establishments for sale of convenience goods. Package stores are expressly prohibited as an accessory use in this district.

Such establishments shall be located, designed and scaled to meet the needs of employees, patients, patrons, or visitors wholly within buildings containing the principal uses to which they are accessory. Total floor area in such accessory

*(text continues on page 4)*



establishments shall not exceed 10 percent of the total floor area of a building of up to 50,000 square feet, or five percent of additional floor area.

is amended to read as follows:

Uses and structures which are customarily incidental and subordinated to permitted principal uses and structures, to include devices for the generation of energy such as solar panels, wind generator and similar devices. And in addition the following retail uses subject to the limitations set forth herein:

- (1) Apothecary shops, optical shops, shops for sale of prosthetic appliances, hearing aids and the like.
- (2) Barbershops, beauty shops and similar personal service establishments.
- (3) Eating and drinking establishments including those licensed for the on-premises consumption of malt beverages, wine and/or distilled spirits.
- (4) Establishments for sale of convenience goods. Package stores are expressly prohibited as an accessory use in this district.

Such establishments shall be located, designed and scaled to meet the needs of employees, patients, patrons, or visitors wholly within buildings containing the principal uses to which they are accessory. Total floor area in such accessory establishments shall not exceed 10 percent of the total floor area of a building of up to 50,000 square feet, or five percent of additional floor area.

**Section 7.** That Section 16-11.003(10) of the City of Atlanta Zoning Code concerning principal permitted uses in C-1 zoning districts which reads as follows:

- (10) Eating and drinking establishments.

is amended to read as follows:

- (10) Eating and drinking establishments, including those licensed for the on-premises consumption of malt beverages, wine and/or distilled spirits.

**Section 8.** That Section 16-11.010(11) of the City of Atlanta Zoning Code concerning minimum off street parking in C-1 zoning districts which reads as follows:

- (11) *Eating and drinking establishments:* One space for each 100 square feet of floor area. Floor area shall include, in addition to those areas defined in section 16-29.001(13)(b), areas within the existing building footprint where walls have been removed and a permanent roof remains.

is amended to read as follows:

- (11) *Eating and drinking establishments:* One space for each 100 square feet of floor area. Where an eating and drinking establishment derives more than 60%

of its gross income from the sale of malt beverages, wine and/or distilled spirits, it shall be required to have one space for each 75 square feet of floor area. Floor area shall include, in addition to those areas defined in section 16-29.001(13)(b), areas within the existing building footprint where walls have been removed and a permanent roof remains.

**Section 9.** That Section 16-011.010(21) of the City of Atlanta Zoning Code concerning minimum off street parking in C-1 zoning districts which reads as follows:

(21) *Accessory outdoor dining:* Limited to 25 percent of the total gross floor area of the building or business with no parking requirements, unless a greater number of spaces are required as a condition for a special use permit: over 25 percent must provide one space per 200 s.f. of the total accessory outdoor dining area including the 25 percent non-exempt floor area.

is amended to read as follows:

(21) *Accessory outdoor dining:* Limited to 25 percent of the total gross floor area of the building or business with no parking requirements, unless a greater number of spaces are required as a condition for a special use permit: over 25 percent must provide one space per 200 s.f. of the total accessory outdoor dining area including the 25 percent non-exempt floor area. Where an establishment derives more than 60% of its gross income from the sale of malt beverages, wine and/or distilled spirits, it shall be required to have one space for each 150 s.f. of the total accessory outdoor dining area including the 25 percent non-exempt floor area.

**Section 10.** That Section 16-12.003(9) of the City of Atlanta Zoning Code concerning principal permitted uses in C-2 zoning districts which reads as follows:

(9) Eating and drinking establishments.

Is amended to read as follows:

(9) Eating and drinking establishments, including those licensed for the on-premises consumption of malt beverages, wine and/or distilled spirits.

**Section 11.** That Section 16-12.009(16) of the City of Atlanta Zoning Code concerning minimum off street parking in C-2 zoning districts which reads as follows:

(16) *Eating and drinking establishments:* One space for each 100 square feet of floor area. Floor area shall include, in addition to those areas defined in section 16-29.001(13)(b), areas within the existing building footprint where walls have been removed and a permanent roof remains.

is amended to read as follows:

(16) *Eating and drinking establishments:* One space for each 100 square feet of floor area. Where an eating and drinking establishment derives more than 60% of its gross income from the sale of malt beverages, wine and/or distilled spirits, it shall be required to have one space for each 75 square feet of floor area. Floor area shall include, in addition to those areas defined in section 16-29.001(13)(b), areas within the existing building footprint where walls have been removed and a permanent roof remains.

**Section 12.** That Section 16-12.009(19) of the City of Atlanta Zoning Code concerning minimum off street parking in C-2 zoning districts which reads as follows:

(19) *Accessory outdoor dining:* Limited to 25 percent of the total gross floor area of the building or business with no parking requirements; over 25 percent must provide one space per 200 s.f. of the total accessory outdoor dining area including the 25 percent non-exempt floor area.

is amended to read as follows:

(19) *Accessory outdoor dining:* Limited to 25 percent of the total gross floor area of the building or business with no parking requirements, unless a greater number of spaces are required as a condition for a special use permit: over 25 percent must provide one space per 200 s.f. of the total accessory outdoor dining area including the 25 percent non-exempt floor area. Where an establishment derives more than 60% of its gross income from the sale of malt beverages, wine and/or distilled spirits, it shall be required to have one space for each 150 s.f. of the total accessory outdoor dining area including the 25 percent non-exempt floor area.

**Section 13.** That Section 16-13.003(9) of the City of Atlanta Zoning Code concerning principal permitted uses in C-3 zoning districts which reads as follows:

(9) Eating and drinking establishments.

is amended to read as follows:

(9) Eating and drinking establishments, including those licensed for the on-premises consumption of malt beverages, wine and/or distilled spirits.

**Section 14.** That Section 16-13.009(15) of the City of Atlanta Zoning Code concerning minimum off street parking in C-3 zoning districts which reads as follows:

(16) *Eating and drinking establishments:* One space for each 100 square feet of floor area. Floor area shall include, in addition to those areas defined in section 16-29.001(13)(b), areas within the existing building footprint where walls have been removed and a permanent roof remains.

is amended to read as follows:

(16) *Eating and drinking establishments*: One space for each 100 square feet of floor area. Where an eating and drinking establishment derives more than 60% of its gross income from the sale of malt beverages, wine and/or distilled spirits, it shall be required to have one space for each 75 square feet of floor area. Floor area shall include, in addition to those areas defined in section 16-29.001(13)(b), areas within the existing building footprint where walls have been removed and a permanent roof remains.

**Section 15.** That Section 16-13.009(18) of the City of Atlanta Zoning Code concerning minimum off street parking in C-3 zoning districts which reads as follows:

(18) *Accessory outdoor dining*: Limited to 25 percent of the total gross floor area of the building or business with no parking requirements; over 25 percent must provide one space per 200 s.f. of the total accessory outdoor dining area including the 25 percent non-exempt floor area.

is amended to read as follows:

(18) *Accessory outdoor dining*: Limited to 25 percent of the total gross floor area of the building or business with no parking requirements; over 25 percent must provide one space per 200 s.f. of the total accessory outdoor dining area including the 25 percent non-exempt floor area. Where an establishment derives more than 60% of its gross income from the sale of malt beverages, wine or distilled spirits, it shall be required to have one space for each 150 s.f. of the total accessory outdoor dining area including the 25 percent non-exempt floor area.

**Section 16.** That Section 16-14.003(9) of the City of Atlanta Zoning Code concerning principal permitted uses in C-4 zoning districts which reads as follows:

(9) Eating and drinking establishments.

is amended to read as follows:

(9) Eating and drinking establishments, including those licensed for the on-premises consumption of malt beverages, wine and/or distilled spirits.

**Section 17.** That Section 16-14.009(d) of the City of Atlanta Zoning Code concerning minimum off street parking in C-4 zoning districts which reads as follows:

(d) *Accessory outdoor dining*: Limited to 25 percent of the total gross floor area of the building or business with no parking requirements; over 25 percent must provide one space per 1200 s.f. of the total accessory outdoor dining area including the 25 percent non-exempt floor area.

is amended to read as follows:

(d) *Accessory outdoor dining*: Limited to 25 percent of the total gross floor area of the building or business with no parking requirements; over 25 percent must provide one space per 1200 s.f. of the total accessory outdoor dining area including the 25 percent non-exempt floor area. Where an establishment derives more than 60% of its gross income from the sale of malt beverages, wine and/or distilled spirits, it shall be required to have one space for each 900 s.f. of the total accessory outdoor dining area including the 25 percent non-exempt floor area.

**Section 18.** That Section 16-15.003(9) of the City of Atlanta Zoning Code concerning principal permitted uses in C-5 zoning districts which reads as follows:

(10) Eating and drinking establishments.

is amended to read as follows:

(10) Eating and drinking establishments, including those licensed for the on-premises consumption of malt beverages, wine and/or distilled spirits.

**Section 19.** That Section 16-16.003(7) of the City of Atlanta Zoning Code concerning principal permitted uses in I-1 zoning districts which reads as follows:

(7) Eating and drinking establishments including drive-in's; catering establishments, delicatessens, bakeries.

is amended to read as follows:

(7) Eating and drinking establishments, including those licensed for the on-premises consumption of malt beverages, wine and/or distilled spirits and those with drive-in service; catering establishments, delicatessens, bakeries.

**Section 20.** That Section 16-16.009(4) of the City of Atlanta Zoning Code concerning minimum off street parking in I-1 zoning districts which reads as follows:

(4) *Eating and drinking establishments, delicatessens, retail sales*: One space for each 100 square feet. Floor area shall include, in addition to those areas defined in section 16-29.001(13)(b), areas within the existing building footprint where walls have been removed and a permanent roof remains.

is amended to read as follows:

(4) *Eating and drinking establishments, delicatessens, retail sales*: One space for each 100 square feet of floor area. Where an eating and drinking establishment derives more than 60% of its gross income from the sale of malt beverages, wine and/or distilled spirits, it shall be required to have one space for each 75 square feet of floor area. Floor area shall include, in addition to those areas defined in section 16-29.001(13)(b), areas within the existing building footprint where walls have been removed and a permanent roof remains.

**Section 21.** That Section 16-16.009(19) of the City of Atlanta Zoning Code concerning minimum off street parking in I-1 zoning districts which reads as follows:

(19) *Accessory outdoor dining:* Limited to 25 percent of the total gross floor area of the building or business with no parking requirement; over 25 percent must provide one space per 200 s.f. of the total accessory outdoor dining area including the 25 percent non-exempt floor area.

is amended to read as follows:

(19) *Accessory outdoor dining:* Limited to 25 percent of the total gross floor area of the building or business with no parking requirements; over 25 percent must provide one space per 200 s.f. of the total accessory outdoor dining area including the 25 percent non-exempt floor area. Where an establishment derives more than 60% of its gross income from the sale of malt beverages, wine and/or distilled spirits, it shall be required to have one space for each 150 s.f. of the total accessory outdoor dining area including the 25 percent non-exempt floor area.

**Section 22.** That Section 16-17.003(7) of the City of Atlanta Zoning Code concerning principal permitted uses in I-2 zoning districts which reads as follows:

(7) Eating and drinking establishments including drive-in's; catering establishments, delicatessens, bakeries.

is amended to read as follows:

(7) Eating and drinking establishments, including those licensed for the on-premises consumption of malt beverages, wine and/or distilled spirits and those with drive-in service; catering establishments, delicatessens, bakeries.

**Section 23.** That Section 16-17.009(4) of the City of Atlanta Zoning Code concerning minimum off street parking in I-1 zoning districts which reads as follows:

(4) *Eating and drinking establishments, delicatessens, retail sales:* One space for each 100 square feet. Floor area for eating and drinking establishments and delicatessens shall include, in addition to those areas defined in section 16-29.001(13)(b), areas within the existing building footprint where walls have been removed and a permanent roof remains.

is amended to read as follows:

(4) *Eating and drinking establishments, delicatessens, retail sales:* One space for each 100 square feet of floor area. Where an eating and drinking establishment derives more than 60% of its gross income from the sale of malt beverages, wine and/or distilled spirits, it shall be required to have one space for each 75 square feet of floor area. Floor area for eating and drinking

establishments and delicatessens shall include, in addition to those areas defined in section 16-29.001(13)(b), areas within the existing building footprint where walls have been removed and a permanent roof remains.

**Section 24.** That Section 16-17.009(16) of the City of Atlanta Zoning Code concerning off street parking in I-2 zoning districts which reads as follows:

(16) *Accessory outdoor dining:* Limited to 25 percent of the total gross floor area of the building or business with no parking requirements; over 25 percent must provide one space per 200 s.f. of the total accessory outdoor dining area including the 25 percent non-exempt floor area.

is amended to read as follows:

(16) *Accessory outdoor dining:* Limited to 25 percent of the total gross floor area of the building or business with no parking requirements; over 25 percent must provide one space per 200 s.f. of the total accessory outdoor dining area including the 25 percent non-exempt floor area. Where an establishment derives more than 60% of its gross income from the sale of malt beverages, wine and/or distilled spirits, it shall be required to have one space for each 150 s.f. of the total accessory outdoor dining area including the 25 percent non-exempt floor area.

**Section 25.** That Section 16-18A.003(8) of the City of Atlanta Zoning Code concerning principal permitted uses in the SPI-1 zoning district (Central Core District) which reads as follows:

(8) Eating and drinking establishments, other than those with drive-in facilities.

is amended to read as follows:

(8) Eating and drinking establishments, including those licensed for the on-premises consumption of malt beverages, wine and/or distilled spirits, but not including those with drive-in facilities.

**Section 26.** That Section 16-18B.003(8) of the City of Atlanta Zoning Code concerning principal permitted uses in the SPI-2 zoning district (North Avenue District) which reads as follows:

(8) Eating and drinking establishments.

is amended to read as follows:

(8) Eating and drinking establishments, including those licensed for the on-premises consumption of malt beverages, wine and/or distilled spirits.

**Section 27.** That Section 16-18C.003(8) of the City of Atlanta Zoning Code concerning principal permitted uses in the SPI-3 zoning district (Midtown District) which reads as follows:

- (8) Eating and drinking establishments.

is amended to read as follows:

- (8) Eating and drinking establishments, including those licensed for the on-premises consumption of malt beverages, wine and/or distilled spirits.

**Section 28.** That Section 16-18D.003(8) of the City of Atlanta Zoning Code concerning principal permitted uses in the SPI-4 zoning district (Arts Center District) which reads as follows:

- (8) Eating and drinking establishments.

is amended to read as follows:

- (8) Eating and drinking establishments, including those licensed for the on-premises consumption of malt beverages, wine and/or distilled spirits.

**Section 29.** *Text deleted* – No change required to Section 16-18I.003

**Section 30.** That Section 16-18K.004(1)(b)(4) of the City of Atlanta Zoning Code concerning permitted uses in the SPI-11 Ashby Station District Shopping Subarea which reads as follows:

- (4) Eating and drinking establishments.

is amended to read as follows:

- (4) Eating and drinking establishments, including those licensed for the on-premises consumption of malt beverages, wine and/or distilled spirits.

**Section 31.** That Sections 16-18K.004(1)(b)(2) 16-18K.004(1)(b)(6) and 16-18K.004(1)(b)(7) of the City of Atlanta Zoning Code concerning off street parking in the SPI-11 Ashby Station District Shopping Subarea which read as follows:

2. Commercial recreations establishments, eating and drinking establishments: One space for each 250 square feet of floor area.

6. Accessory outdoor dining: Limited to 25 percent of the total gross floor area of the building or business with no parking requirement; over 25 percent



must provide one space per 400 s.f. of the total accessory outdoor dining area including the 25 percent non-exempt floor area.

7. Accessory outdoor dining: Limited to 25 percent of the total gross floor area of the building or business with no parking requirement; over 25 percent must provide one space per 300 s.f. of the total accessory outdoor dining area including the 25 percent non-exempt floor area.

are amended to read as follows:

*(text continues on page 13)*

2. Commercial recreation establishments: One space for each 250 square feet of floor area.

6. Eating and drinking establishments: One space for each 250 square feet of floor area. Where an eating and drinking establishment derives more than 60% of its gross income from the sale of malt beverages, wine and/or distilled spirits, it shall be required to have one space for each 185 square feet of floor area. Floor area shall include, in addition to those areas defined in section 16-29.001(13)(b), areas within the existing building footprint where walls have been removed and a permanent roof remains.

7. Accessory outdoor dining: Limited to 25 percent of the total gross floor area of the building or business with no parking requirement; over 25 percent must provide one space per 300 s.f. of the total accessory outdoor dining area including the 25 percent non-exempt floor area. Where an establishment derives more than 60% of its gross income from the sale of malt beverages, wine and/or distilled spirits, it shall be required to have one space for each 225 s.f. of the total accessory outdoor dining area including the 25 percent non-exempt floor area.

**Section 32.** That Section 16-18K.004(2)(b)(7) of the City of Atlanta Zoning Code concerning permitted uses in the SPI-11 Martin Luther King, Jr. Drive - Ashby Street Commercial Subarea which reads as follows:

(7) Eating and drinking establishments.

is amended to read as follows:

(7) Eating and drinking establishments, including those licensed for the on-premises consumption of malt beverages, wine and/or distilled spirits.

**Section 33.** That Sections 16-18K.004(2)(k)(2) of the City of Atlanta Zoning Code concerning off street parking in the SPI-11 Martin Luther King, Jr. Drive - Ashby Street Commercial Subarea which reads as follows:

2. Commercial recreations establishments, eating and drinking establishments: One space for each 250 square feet of floor area.

is amended to read as follows:

2. Commercial recreations establishments, eating and drinking establishments: One space for each 250 square feet of floor area. Where an eating and drinking establishment derives more than 60% of its gross income from the sale of malt beverages, wine and/or distilled spirits, it shall be required to have one space for each 185 square feet of floor area. Floor area shall include, in addition to those areas defined in section 16-29.001(13)(b), areas within the

existing building footprint where walls have been removed and a permanent roof remains.

**Section 34.** That Section 16-18M.005(8) of the City of Atlanta Zoning Code concerning principal permitted uses in the SPI-13 zoning district (Centennial Olympic Park) which reads as follows:

- (8) Eating and drinking establishments.

is amended to read as follows:

- (8) Eating and drinking establishments, including those licensed for the on-premises consumption of malt beverages, wine and/or distilled spirits.

**Section 35.** That Section 16-18O.005(7) of the City of Atlanta Zoning Code concerning principal permitted uses in the SPI-15 zoning district (Lindbergh Transit Station Area) which reads as follows:

- (7) Eating and drinking establishments, subject to further restrictions contained in section 16-18O.029.

is amended to read as follows:

- (7) Eating and drinking establishments, including those licensed for the on-premises consumption of malt beverages, wine and/or distilled spirits, subject to further restrictions contained in section 16-18O.029.

**Section 36.** That Section 16-18O.022 of the City of Atlanta Zoning Code concerning off street parking in SPI-15 zoning district (Lindbergh Transit Station Area) which reads as follows:

In addition to the provisions of section 16-28.008(7), which shall apply and are incorporated herein, the following parking requirements shall apply to all uses approved by special permits as well as permitted uses and uses allowed in subareas. (See also sections 16-28.013 and 16-28.014):

1. *Off-street surface parking.*
  - a. Shall not be located between the principal structure and the street.
  - b. Shall be accessory to a permitted principal use only, provided that parking spaces serving another principal permitted use may use such facility for shared parking during non-normal business hours by compliance with subsection 7. below.
2. *Electric vehicle charging stations.* All automobile parking facilities shall include electric vehicle charging stations in a ratio of at least one station for every 100

automobile parking spaces. No development shall be required to exceed a maximum of 12 spaces.

3. *For residential uses maximum permitted.*

- a. For residents one parking space per bedroom for up to two bedrooms and one-half parking space for each bedroom unit of three and above may be provided per dwelling unit.
- b. For visitor parking one-third parking space per dwelling unit may be provided.

4. *Single room occupancy residence.* One parking space per each four dwelling units, plus one space per each employee, shall be provided on the site.

5. *Prohibited nonresidential parking.* Parking reserved exclusively for nonresidential uses is prohibited in the residential subareas specified in section 16-18O.029. For nonresidential uses maximum requirements unless otherwise stated:

- a. Banks, savings and loan institutions, and the like: One space per each 200 square feet of floor area.
- b. Business colleges, trade schools, conservatories, dancing schools, and the like: One space per each 200 square feet of floor area.
- c. Child care centers, day care centers, prekindergartens, play and other special schools or day care centers for young children: One space per 600 square feet of floor area. In addition to providing off-street parking, such establishments shall provide safe and convenient facilities for loading and unloading children, as approved by the director, bureau of traffic and transportation.
- d. Clubs, lodges: One space for each 200 square feet of floor area.
- e. Dormitories, fraternities, sororities: One space for two beds plus one space for each 200 square feet of floor area designated or occupied other than for sleeping purposes.
- f. Hotels and motels: One space per rental unit plus one-half space per employee; one space per 100 square feet of restaurant/lounge gross leasable area; one space per 300 square feet of other convention facilities.
- g. Eating and drinking establishments accessory outdoor dining which is 25 percent or less than the total gross floor area of the building or business: No parking requirement.
- h. Eating and drinking establishments accessory outdoor dining which exceeds 25 percent of the total gross floor area of the building or business shall have the following minimum requirements: One space for each 200 square feet of the total accessory outdoor dining floor area including the 25 percent non-exempt floor area.
- i. Nursing homes, convalescent homes, and similar care facilities: One space for four beds.

- j. Office uses: No minimum. A maximum of two and one-half spaces for each 1,000 square feet of floor area. Parking during off-peak hours (after 6:00 p.m.) may be shared for other uses.
  - k. Schools, colleges, churches, recreation or community centers and other places of assembly. One space per each four fixed seats (with 18 inches if bench length counted as one seat or one space per each 35 square feet of enclosed floor area for the accommodation of movable seats in the largest assembly room, whichever is greater, plus the following:
    - i. *Public or private elementary or middle school*: Two spaces per each classroom.
    - ii. *High school*: Four spaces per each classroom.
    - iii. *Colleges and universities*: Eight spaces per each classroom.
  - l. For all other nonresidential uses:
    - i. For subarea 1 in section 16-18O.028: One space per each 600 square feet of floor area.
    - ii. For subareas 2 through 8 in section 16-18O.028 and section 16-18O.029: Three and seven-tenths parking spaces per each 1,000 square feet of floor area.
7. Variations in parking requirements. The director of the bureau of planning may reduce parking requirements, provided there is a shared parking arrangement which avoids conflicting parking demands and provides for safe pedestrian circulation and access. Additionally, all shared parking spaces shall be clearly marked and signed as reserved during specified hours. An applicant shall submit the following information establishing conformance to the above criteria in order to reduce parking requirements and avoid conflicting parking demands:
- a. A to-scale map indicating location of all proposed parking spaces;
  - b. Indicate hours of business operation(s);
  - c. Written consent of all property owners agreeing to the shared parking arrangement;
  - d. Copies of parking leases. Renewed leases shall be provided to the director of the bureau of planning. Lack of a current lease shall automatically terminate the variation authorization.
8. Park-for-hire surface parking lots are prohibited. Park-for-hire parking decks are permitted only if specifically authorized in a particular subarea.
- is amended to read as follows:
- 1. *Off-street surface parking.*
    - a. Shall not be located between the principal structure and the street.
    - b. Shall be accessory to a permitted principal use only, provided that parking spaces serving one principal permitted use may serve another principal permitted use by compliance with subsection 7

2. *Electric vehicle charging stations.* All automobile parking facilities shall include electric vehicle charging stations in a ratio of at least one station for every 100 automobile parking spaces. No development shall be required to exceed a maximum of 12 spaces.

3. *Residential Uses.*

No parking is required but may be provided up to the maximums specified in this subsection, excluding any increases allowed by shared parking arrangements.

- a. For residents one parking space per bedroom for up to two bedrooms and one-half parking space for each additional bedroom in any unit
- b. One visitor parking space may be provided for each three units.
- c. Residential parking in excess of the required parking is not allowed unless provided by a shared parking arrangement.
- d. Where the total number of spaces required is not a whole number, the next largest whole number shall be the parking requirement,

4. *Single room occupancy residence. Notwithstanding other permissions to the contrary* One parking space per each four dwelling units, plus one space per each employee, shall be provided on the site.

5. *Nonresidential uses.* Parking is required at the levels specified in this subsection. No use may exceed the required parking set forth in this section without a variation approved by the director of the bureau of planning.

- a. Banks, savings and loan institutions, and the like: One space per each 200 square feet of floor area.
- b. Business colleges, trade schools, conservatories, dancing schools, and the like: One space per each 200 square feet of floor area.
- c. Child care centers, day care centers, prekindergartens, play and other special schools or day care centers for young children: One space per 600 square feet of floor area. In addition to providing off-street parking, such establishments shall provide safe and convenient facilities for loading and unloading children, as approved by the director, bureau of traffic and transportation.
- d. Clubs, lodges: One space for each 200 square feet of floor area.
- e. Dormitories, fraternities, sororities: One space for two beds plus one space for each 200 square feet of floor area designated or occupied other than for sleeping purposes.

f. Hotels and motels: One space per rental unit plus one-half space per employee; one space per 100 square feet of restaurant/lounge gross leasable area; one space per 300 square feet of other convention facilities.

g. *Eating and drinking establishments*: One space for each 100 square feet of floor area. Where an eating and drinking establishment derives more than 60% of its gross income from the sale of malt beverages, wine and/or distilled spirits, it shall be required to have one space for each 75 square feet of floor area. Floor area shall include, in addition to those areas defined in section 16-29.001(13)(b), areas within the existing building footprint where walls have been removed and a permanent roof remains.

h. *Accessory outdoor dining*: Limited to 25 percent of the total gross floor area of the establishment with no parking requirements: over 25 percent must provide one space per 200 s.f. of the total accessory outdoor dining area including the 25 percent non-exempt floor area. Where an establishment derives more than 60% of its gross income from the sale of malt beverages, wine or distilled spirits, it shall be required to have one space for each 150 s.f. of the total accessory outdoor dining area including the 25 percent non-exempt floor area.

i. Nursing homes, convalescent homes, and similar care facilities: One space for four beds.

j. Office uses: No minimum. A maximum of two and one-half spaces for each 1,000 square feet of floor area. Parking during off-peak hours (after 6:00 p.m.) may be shared for other uses.

k. Schools, colleges, churches, recreation or community centers and other places of assembly. One space per each four fixed seats (with 18 inches if bench length counted as one seat or one space per each 35 square feet of enclosed floor area for the accommodation of movable seats in the largest assembly room, whichever is greater, plus the following:

i. *Public or private elementary or middle school*: Two spaces per each classroom.

ii. *High school*: Four spaces per each classroom.

iii. *Colleges and universities*: Eight spaces per each classroom.

l. For all other nonresidential uses:

i. For subarea 1 in section 16-18O.028: One space per each 600 square feet of floor area.

ii. For subareas 2 through 8 in section 16-18O.028 and section 16-18O.029: Three and seven-tenths parking spaces per each 1,000 square feet of floor area.

6. Parking reserved exclusively for nonresidential uses is prohibited in the residential subareas specified in section 16-18O.029. All non-residential uses in the residential subareas shall post signs indicating the hours when such spaces may be utilized for residential uses.

7. Variations in parking requirements. The director of the bureau of planning is authorized to reduce the off street surface parking requirements, provided there is a shared parking arrangement which avoids conflicting parking demands and provides for safe pedestrian circulation and access. All shared parking spaces shall be clearly marked and signed as reserved during specified hours. An applicant shall submit the following information establishing conformance to the above criteria in order to reduce parking requirements and avoid conflicting parking demands:

- a. A to-scale map indicating location of all proposed parking spaces;
- b. Indicate hours of business operation(s);
- c. Written consent of all property owners agreeing to the shared parking arrangement;
- d. Copies of parking leases. Renewed leases shall be provided to the director of the bureau of planning. Lack of a current lease shall automatically terminate the variation authorization.

9. Park-for-hire surface parking lots are prohibited.

10. Park-for-hire parking decks are permitted only if specifically authorized in a particular subarea.

**Section 37.** That Section 16-18P.003(5) of the City of Atlanta Zoning Code concerning principal permitted uses in the SPI-16 zoning district (Midtown District) which reads as follows:

(5) Eating and drinking establishments, subject to further restrictions contained in section 16-18P.007(1)(b).

is amended to read as follows:

(5) Eating and drinking establishments, including those licensed for the on-premises consumption of malt beverages, wine and/or distilled spirits, subject to further restrictions contained in section 16-18P.007(1)(b).



**Section 38.** That Sections 16-18P.022(5)(f), 16-18P.022(5)(g), and 16-18P.022(5)(h) of the City of Atlanta Zoning Code concerning off street parking requirements in the SPI-16 zoning district (Midtown District) which reads as follows:

- f. Eating and drinking establishments indoor requirements:
  - i. South of 14th Street and east of Juniper Street: A minimum of one space for each 300 square feet of floor area and a maximum of two and one-half spaces for each 300 square feet of floor area;
  - ii. All other areas: A minimum of one space for each 600 square feet of floor area and a maximum of two and one-half spaces for each 600 square feet of floor area.
- g. Eating and drinking establishments accessory outdoor dining which is 25 percent or less than the total gross floor area of the building or business, and is not covered with a permanent structure: A maximum of two and one-half spaces for each 600 square feet of floor area.
- h. Eating and drinking establishments accessory outdoor dining which exceeds 25 percent of the total gross floor area of the building or business shall have the following minimum requirements:
  - i. North of 10th Street and east of Juniper Street: A minimum of one space for each 300 square feet area and a maximum of two and one-half spaces for each 300 square feet of the total accessory outdoor dining floor area including the 25 percent non-exempt floor area.
  - ii. South of 10th Street and east of Juniper Street: A minimum of one space for each 200 square feet and a maximum of two and one-half spaces for each 200 square feet of the total accessory outdoor dining floor area including the 25 percent non-exempt floor area.
  - iii. All other areas: A minimum of one space for each 600 square feet and a maximum of two and one-half spaces for each 600 square feet of the total accessory outdoor dining floor area including the 25 percent non-exempt floor area.

are amended to read as follows:

- f. Eating and drinking establishments indoor requirements:
  - i. South of 14th Street and east of Juniper Street: A minimum of one space for each 300 square feet of floor area and a maximum of two and one-half spaces for each 300 square feet of floor area; where an establishment derives more than 60% of its gross income from the sale of malt beverages, wine and/or distilled spirits, it shall be required to have one space for each 225 square feet of floor area and a maximum of two and one-

half spaces for each 300 square feet of floor area. Floor area shall include, in addition to those areas defined in section 16-29.001(13)(b), areas within the existing building footprint where walls have been removed and a permanent roof remains;

ii. All other areas: A minimum of one space for each 600 square feet of floor area and a maximum of two and one-half spaces for each 600 square feet of floor area; where an establishment derives more than 60% of its gross income from the sale of malt beverages, wine and/or distilled spirits, it shall be required to have one space for each 450 square feet of floor area and a maximum of two and one-half spaces for each two and one-half spaces for each 600 square feet of floor area. Floor area shall include, in addition to those areas defined in section 16-29.001(13)(b), areas within the existing building footprint where walls have been removed and a permanent roof remains.

g. Eating and drinking establishments accessory outdoor dining which is 25 percent or less than the total gross floor area of the building or business, and is not covered with a permanent structure: A maximum of two and one-half spaces for each 600 square feet of floor area.

h. Eating and drinking establishments accessory outdoor dining which exceeds 25 percent of the total gross floor area of the building or business shall have the following minimum requirements:

i. North of 10th Street and east of Juniper Street: A minimum of one space for each 300 square feet area and a maximum of two and one-half spaces for each 300 square feet of the total accessory outdoor dining floor area including the 25 percent non-exempt floor area. Where an establishment derives more than 60% of its gross income from the sale of malt beverages, wine and/or distilled spirits, it shall be required to have one space for each 225 square feet of floor area and a maximum. Floor area shall include, in addition to those areas defined in section 16-29.001(13)(b), areas within the existing building footprint where walls have been removed and a permanent roof remains;

ii. South of 10th Street and east of Juniper Street: A minimum of one space for each 200 square feet and a maximum of two and one-half spaces for each 200 square feet of the total accessory outdoor dining floor area including the 25 percent non-exempt floor area.

iii. All other areas: A minimum of one space for each 600 square feet and a maximum of two and one-half spaces for each

600 square feet of the total accessory outdoor dining floor area including the 25 percent non-exempt floor area.

**Section 39.** That Section 16-18Q.0021(5)(d) of the City of Atlanta Zoning Code concerning off street parking in the SPI-18 zoning district (Piedmont Avenue District) which reads as follows:

(d) Eating and drinking establishments indoor minimum requirements. One space for each 100 square feet of floor area. Floor area shall include, in addition to those areas defined in section 16-29.001(13)(b), areas within the existing building footprint where walls have been removed and a permanent roof remains.

is amended to read as follows:

(d) Eating and drinking establishments indoor minimum requirements. One space for each 100 square feet of floor area. Where an eating and drinking establishment derives more than 60% of its gross income from the sale of malt beverages, wine and/or distilled spirits, it shall be required to have one space for each 75 square feet of floor area. Floor area shall include, in addition to those areas defined in section 16-29.001(13)(b), areas within the existing building footprint where walls have been removed and a permanent roof remains.

**Section 40.** That Section 16-18Q.0027(1)(a)(ii) of the City of Atlanta Zoning Code concerning permitted uses in the SPI-18 zoning district (Piedmont Avenue District) Subarea 3 (10<sup>th</sup> and Piedmont) which reads as follows:

(ii) Eating and drinking establishments.

is amended to read as follows:

(ii) Eating and drinking establishments, including those licensed for the on-premises consumption of malt beverages, wine and/or distilled spirits.

**Section 41.** That Section 16-18Q.0027(2)(a)(iii) of the City of Atlanta Zoning Code concerning permitted uses in the SPI-18 zoning district (Piedmont Avenue District) Subarea 3 (10<sup>th</sup> and Piedmont) which reads as follows:

(iii) Eating and drinking establishments greater than 2000 square feet of floor area

is amended to read as follows:

- (iii) Eating and drinking establishments greater than 2000 square feet of floor area, including those licensed for the on-premises consumption of malt beverages, wine and/or distilled spirits.

**Section 41.** That the table following Section 16-18T.005 of the City of Atlanta Zoning Code concerning permitted uses in the SPI-20 zoning district (Greenbriar District) which denotes an entry for "restaurants, bars" be amended to state "eating and drinking establishments" and that the corresponding footnote 11 which states "including coffee shops, delicatessens and taverns" be amended to state "including restaurants, bars, coffee shops, delicatessens and taverns."

**Section 42.** That Sections 16-18T.022(5)(f) and 16-18T.022(5)(g) of the City of Atlanta Zoning Code concerning off street parking in the SPI-20 Greenbriar District which read as follows:

- f. *Eating and drinking establishments with accessory outdoor dining covered with a permanent structure:*
  - i. Within Subarea 1: One parking space for each three hundred (300) square feet of floor area.
  - ii. Within Subareas 2-6: One parking space for each three hundred (100) square feet of floor area.
- g. Eating and drinking establishments with accessory outdoor dining that is not covered by a permanent structure and which exceeds twenty five (25%) percent of total gross floor area of the building or business shall have the following requirements: One space for each six hundred (600) square feet of the total accessory outdoor dining floor area including the twenty five (25%) percent non-exempt floor space.

are amended to read as follows:

- f. Eating and drinking establishments
  - i. Within Subarea 1: One parking space for each three hundred (300) square feet of floor area. Where an eating and drinking establishment derives more than 60% of its gross income from the sale of malt beverages, wine and/or distilled spirits, it shall be required to have one space for each 225 square feet of floor area. Floor area shall include, in addition to those areas defined in section 16-29.001(13)(b), areas within the existing building footprint where walls have been removed and a permanent roof remains.
  - ii. Within Subareas 2-6: One parking space for each three hundred (100) square feet of floor area. Where an eating and drinking establishment derives more than 60% of its gross income from the

sale of malt beverages, wine and/or distilled spirits, it shall be required to have one space for each 100 square feet of floor area. Floor area shall include, in addition to those areas defined in section 16-29.001(13)(b), areas within the existing building footprint where walls have been removed and a permanent roof remains.

- g. Eating and drinking establishments with accessory outdoor dining that is not covered by a permanent structure and which exceeds twenty five (25%) percent of total gross floor area of the building or business shall have the following requirements: One space for each six hundred (600) square feet of the total accessory outdoor dining floor area including the twenty five (25%) percent non-exempt floor space. Where an eating and drinking establishment derives more than 60% of its gross income from the sale of malt beverages, wine and/or distilled spirits, it shall be required to have one space for each 450 square feet of floor area.

**Section 43.** That Section 16-19B.003(5) of the City of Atlanta Zoning Code concerning principal permitted uses in PD-MU (Planned Development – Mixed Use) zoning districts which reads as follows:

- (5) Eating and drinking establishments including drive-in's; catering establishments, delicatessens, bakeries.

is amended to read as follows:

- (5) Eating and drinking establishments, including those licensed for the on-premises consumption of malt beverages, wine and/or distilled spirits and those with drive-in service; catering establishments, delicatessens, bakeries.

**Section 44.** That Section 16-19B.006(3) of the City of Atlanta Zoning Code concerning minimum off street parking in PD-MU (Planned Development – Mixed Use) zoning districts which reads as follows:

- (3) *Restaurants:* One space for each 400 square feet of floor area. Floor area shall include, in addition to those areas defined in section 16-29.001(13)(b), areas within the existing building footprint where walls have been removed and a permanent roof remains.

is amended to read as follows:

- (3) *Eating and drinking establishments:* One space for each 400 square feet of floor area. Where an eating and drinking establishment derives more than 60% of its gross income from the sale of malt beverages, wine and/or distilled spirits, it shall be required to have one space for each 300 square feet of floor area. Floor area shall include, in addition to those areas defined in section 16-29.001(13)(b),

areas within the existing building footprint where walls have been removed and a permanent roof remains.

**Section 45.** That Section 16-19B.006(5) of the City of Atlanta Zoning Code concerning minimum off street parking in PD-MU (Planned Development – Mixed Use) zoning districts which reads as follows:

- (5) *Accessory outdoor dining:* Limited to 25 percent of the total gross floor area of the building or business with no parking requirements; over 25 percent must provide one space per 800 s.f. of the total accessory outdoor dining area including the 25 percent non-exempt floor area.

is amended to read as follows:

- (5) *Accessory outdoor dining:* Limited to 25 percent of the total gross floor area of the building or business with no parking requirements, unless a greater number of spaces are required as a condition for a special use permit: over 25 percent must provide one space per 800 s.f. of the total accessory outdoor dining area including the 25 percent non-exempt floor area. Where an establishment derives more than 60% of its gross income from the sale of malt beverages, wine and/or distilled spirits, it shall be required to have one space for each 600 s.f. of the total accessory outdoor dining area including the 25 percent non-exempt floor area.

**Section 46.** That Section 16-19C.003(5) of the City of Atlanta Zoning Code concerning principal permitted uses in the PD-OC (Planned Development – Office Commercial) zoning districts which reads as follows:

- (5) Eating and drinking establishments including drive-in's; catering establishments, delicatessens, bakeries with products sold at retail on the premises.

is amended to read as follows:

- (5) Eating and drinking establishments, including those licensed for the on-premises consumption of malt beverages, wine and/or distilled spirits and those with drive-in service; catering establishments, delicatessens, bakeries with products sold at retail on the premises.

**Section 47.** That Section 16-19C.006(3) of the City of Atlanta Zoning Code concerning minimum off street parking in the PD-OC (Planned Development – Office Commercial) zoning districts which reads as follows:

- (3) *Restaurants:* One space for each 400 square feet of floor area. Floor area shall include, in addition to those areas defined in section 16-29.001(13)(b), areas within the existing building footprint where walls have been removed and a permanent roof remains.

is amended to read as follows:

(3) *Eating and drinking establishments:* One space for each 400 square feet of floor area. Where an eating and drinking establishment derives more than 60% of its gross income from the sale of malt beverages, wine and/or distilled spirits, it shall be required to have one space for each 300 square feet of floor area. Floor area shall include, in addition to those areas defined in section 16-29.001(13)(b), areas within the existing building footprint where walls have been removed and a permanent roof remains.

**Section 48.** That Section 16-19C.006(5) of the City of Atlanta Zoning Code concerning minimum off street parking in the PD-OC (Planned Development – Office Commercial) zoning districts which reads as follows:

(5) *Accessory outdoor dining:* Limited to 25 percent of the total gross floor area of the building or business with no parking requirements; over 25 percent must provide one space per 800 s.f. of the total accessory outdoor dining area including the 25 percent non-exempt floor area.

is amended to read as follows:

(5) *Accessory outdoor dining:* Limited to 25 percent of the total gross floor area of the building or business with no parking requirements, unless a greater number of spaces are required as a condition for a special use permit: over 25 percent must provide one space per 800 s.f. of the total accessory outdoor dining area including the 25 percent non-exempt floor area. Where an establishment derives more than 60% of its gross income from the sale of malt beverages, wine and/or distilled spirits, it shall be required to have one space for each 600 s.f. of the total accessory outdoor dining area including the 25 percent non-exempt floor area.

**Section 49.** That Section 16-32.005(7)(k) of the City of Atlanta Zoning Code concerning principal permitted uses in NC zoning districts (Neighborhood-Commercial) which reads as follows:

(k) Restaurants, bars, coffee shops, delicatessens, and taverns.

is amended to read as follows:

(k) Restaurants, bars, coffee shops, delicatessens, taverns and other eating and drinking establishments, including those licensed for the on-premises consumption of malt beverages, wine and/or distilled spirits.

**Section 50.** That Section 16-32.023(1)(h) of the City of Atlanta Zoning Code concerning minimum off street parking in NC zoning districts (Neighborhood-Commercial) which reads as follows:

which reads as follows:

- (h) Eating and drinking establishments: One space for each 100 square feet of floor area and one space for each 200 square feet of outdoor dining area. Outdoor dining area less than or equal to 25 percent of the enclosed floor area shall have no parking requirement

is amended to read as follows:

- (h) Eating and drinking establishments: One space for each 100 square feet of floor area and one space for each 200 square feet of outdoor dining area. Where an eating and drinking establishment derives more than 60% of its gross income from the sale of malt beverages, wine and/or distilled spirits, it shall be required to have one space for each 75 square feet of floor area and one space for each 150 square feet of outdoor dining area. Floor area shall include, in addition to those areas defined in section 16-29.001(13)(b), areas within the existing building footprint where walls have been removed and a permanent roof remains. Outdoor dining area less than or equal to 25 percent of the enclosed floor area shall have no parking requirement.

**Section 51.** That Section 16-33.004(2)(h) of the City of Atlanta Zoning Code concerning principal permitted uses in LW zoning districts (Live-Work) which reads as follows:

- (h) Eating and drinking establishments, including restaurants, bars, coffee shops, delicatessens, and taverns.

is amended to read as follows:

- (h) Restaurants, bars, coffee shops, delicatessens, taverns and other eating and drinking establishments including those licensed for the on-premises consumption of malt beverages, wine and/or distilled spirits.

**Section 52.** That Section 16-33.020(4)(e) of the City of Atlanta Zoning Code concerning minimum off street parking in LW zoning districts (Live-Work) which reads as follows:

- (e) Eating and drinking establishments: One space for each 100 square feet of floor area and one space for each 200 square feet of outdoor dining area. Outdoor dining area less than or equal to 25 percent of the enclosed floor area shall have no parking requirement

is amended to read as follows:



(e) Eating and drinking establishments: One space for each 100 square feet of floor area and one space for each 200 square feet of outdoor dining area. Where an eating and drinking establishment derives more than 60% of its gross income from the sale of malt beverages, wine and/or distilled spirits, it shall be required to have one space for each 75 square feet of floor area and one space for each 150 square feet of outdoor dining area. Floor area shall include, in addition to those areas defined in section 16-29.001(13)(b), areas within the existing building footprint where walls have been removed and a permanent roof remains. Outdoor dining area less than or equal to 25 percent of the enclosed floor area shall have no parking requirement.

**Section 53.** That Section 16-34.005(10) of the City of Atlanta Zoning Code concerning principal permitted uses in MRC zoning districts (Mixed Residential Commercial) which reads as follows:

(10) Eating and drinking establishments, including restaurants, bars, coffee shops, delicatessens, and taverns.

is amended to read as follows:

(10) Restaurants, bars, coffee shops, delicatessens, taverns and other eating and drinking establishments including those licensed for the on-premises consumption of malt beverages, wine and/or distilled spirits.

**Section 54.** That Section 16-34.021(7)(f), 16-34.021(7)(g) and 16-34.021(7)(h) of the City of Atlanta Zoning Code concerning minimum off street parking in MRC zoning districts (Mixed Residential Commercial) which read as follows:

f. Eating and drinking establishments, including accessory outdoor dining covered with a permanent structure:

- i. Within MRC-1: One parking space for each 100 square feet of floor area.
- ii. Within MRC-2: One parking space for each 300 square feet of floor area.
- iii. Within MRC-3: One parking space for each 600 square feet of floor area.

g. Eating and drinking establishments with accessory outdoor dining that is not covered by a permanent structure and which exceeds 25 percent of the total gross floor area of the building or business shall have the following minimum requirements: One space for each 600 square feet of the total accessory outdoor dining floor area including the 25 percent non-exempt floor area:

h. Specific regulations for retail and eating and drinking establishments within 500 feet of a MARTA rail station entrance, as measured along public streets and pedestrian walkways: Establishments with a floor area of 500 square feet or less shall have no parking requirements.

are amended to read as follows:

f. Eating and drinking establishments, including accessory outdoor dining covered with a permanent structure:

i. Within MRC-1: One parking space for each 100 square feet of floor area. Where an eating and drinking establishment derives more than 60% of its gross income from the sale of malt beverages, wine and/or distilled spirits, it shall be required to have one space for each 75 square feet of floor area.

ii. Within MRC-2: One parking space for each 300 square feet of floor area. Where an eating and drinking establishment derives more than 60% of its gross income from the sale of malt beverages, wine and/or distilled spirits, it shall be required to have one space for each 225 square feet of floor area

iii. Within MRC-3: One parking space for each 600 square feet of floor area. Where an eating and drinking establishment derives more than 60% of its gross income from the sale of malt beverages, wine and/or distilled spirits, it shall be required to have one space for each 450 square feet of floor area.

g. Eating and drinking establishments with accessory outdoor dining that is not covered by a permanent structure and which exceeds 25 percent of the total gross floor area of the building or business shall have the following minimum requirements: One space for each 600 square feet of the total accessory outdoor dining floor area including the 25 percent non-exempt floor area. Where an eating and drinking establishment derives more than 60% of its gross income from the sale of malt beverages, wine and/or distilled spirits, it shall be required to have one space for each 450 square feet of outdoor dining area.

h. Specific regulations for retail and eating and drinking establishments within 500 feet of a MARTA rail station entrance, as measured along public streets and pedestrian walkways: Establishments with a floor area of 500 square feet or less shall have no parking requirements.

**Section 55.** That Chapter 28 of the Zoning Code (the "General and Supplementary Regulations") be amended by including the following language to be codified as Section 16-28. 026:

Sec. 16-28.026 Enforcement of parking requirements for eating and drinking establishments that derive more than 60% of their gross income from the sale of malt beverages, wine and/or distilled spirits.

(a) Any eating and drinking establishment having a license for the on-premises consumption of malt beverages, wine and/or distilled spirits at the time of the passage of this ordinance, and which has otherwise satisfied the parking requirements in effect prior to its passage of this ordinance, shall not be required to provide additional parking if it derives more than 60% of its gross income from the sale of malt beverages, wine and/or distilled spirits. Where such use is abandoned, any new use at the location shall be required to meet all current parking requirements.

(b) Any eating and drinking establishment beginning operation after the passage of this ordinance providing required parking only for eating and drinking establishments and which derives more than 60% of its gross income from the sale of malt beverages, wine and/or distilled spirits and which does not provide the increased parking where required by the district zoning regulations shall be given twelve months after the issuance of a correction notice to provide the required parking at the increased level or being granted a special exception to reduce parking before further enforcement action may be taken. Such notice of correction shall be effective as to any persons who may take control or ownership of the establishment after the date that such notice is issued.

(c) The director of the bureau of buildings is authorized to request from the business license applicant of an eating and drinking establishment subject to the increased parking requirement for those establishments which derives more than 60% of its gross income from the sale of malt beverages, wine and/or distilled spirits, permission to access such documentation in the custody and control of the city as is necessary to establish whether the establishment provides the required amount of parking. The refusal to provide such permission shall not be a violation of this ordinance but the director shall find that the establishment is to provide the number of parking spaces for those establishments, which derive more than 60% of its gross income from the sale of malt beverages, wine and/or distilled spirits.

**Section 56.** That Chapter 16-29.001(5) of the Zoning Code ("Definitions") be amended by codifying as Section 16-29.001(5) the following language in place of a prior repealed definition:

*Restaurant* means any public place, without sleeping accommodations, used, maintained, advertised and held out to the public as a place where meals are actually prepared and regularly served, such place being provided with adequate and sanitary kitchen and dining room equipment and employing therein a sufficient number and kind of employees to prepare, cook and serve meals for its guests. The serving of those meals shall be the principal business conducted, with the serving of malt beverages, wine and distilled spirits allowed on the premises but such service shall only be incidental to meal service and shall not exceed 50% of the gross sales of the restaurant.

**Section 57:** That this ordinance shall become effective upon approval by the Mayor or by operation of law without such approval.

A RESOLUTION

BY COUNCILMEMBER CEASAR MITCHELL

04-R-1925

**A RESOLUTION REQUIRING AND DIRECTING THE ZONING ADMINISTRATOR TO INCLUDE AND REVIEW THE REQUIREMENT FOR TAXICAB STANDS IN THE PLAN REVIEW PROCESS FOR BUILDING PERMITS AS SET FORTH IN CITY OF ATLANTA CODE SECTION 16-28.014(7) OF THE ZONING CODE AND FOR OTHER PURPOSES.**

**Whereas**, Atlanta City Code Section 16-28.014(7) provides that "All hotels and motels shall provide off-street , on-site taxicab stands with a minimum of one (1) space for each 100 guest rooms or portion thereof in the hotel or motel, up to a maximum of six (6) taxicab stand spaces." ; and

**Whereas**, it is in the best interest of the City that said zoning provision be strictly enforced.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:**

**Section 1:** The Zoning Administrator is hereby required and directed to include in the plan review process for hotel and motel building permits, the requirement of City Code Section 16-28.014(7) that "All hotels and motels shall provide off-street, on-site taxicab stands with a minimum of one (1) space for each 100 guest rooms or portion thereof in the hotel or motel, up to a maximum of six (6) taxicab stand spaces.

**Section 2:** All resolutions or parts of resolutions in conflict herewith are hereby rescinded.

Municipal Clerk  
Atlanta, Georgia

04-O-1837

A SUBSTITUTE ORDINANCE  
BY: ZONING COMMITTEE

Z-04-103  
Date Filed: 9-10-04

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

SECTION 1. That the Zoning Ordinance of the city of Atlanta be amended, and the maps established in connection therewith be changed so that the following property located at **471 & 525 Glen Iris Drive, 616-624 Rankin Street, 476-502 and 471-485 Wilmer Street, 619 & 623, 660 & 680, 681 Dallas Street, N.E.** be changed from the I-1 (Light Industrial) District to the MRC-3-C (Mixed Residential Commercial-Conditional) District to wit:

ALL THAT TRACT or parcel of land lying and being in Land Lot 18, 14<sup>th</sup> District, Fulton County, Georgia, being more particularly described by the attached map and legal description.

SECTION 2. If this amendment is approved under the provisions of Section 16-02.003 of the Zoning Ordinance of the City of Atlanta, entitled, "Conditional Development", as identified by the use of the suffice "C" after the district designation in Section 1 above, the Director, Bureau of Buildings, shall issue a building permit for the development of the above-described property only in compliance with the attached conditions. Any conditions hereby approved (including any conditional site plan) do not authorize the violation of any district regulations. District regulation variances can be approved only by application to the Board of Zoning Adjustment.

SECTION 3. That the maps referred to, now on file in the Office of the Municipal Clerk, be changed to conform with the terms of this ordinance.

SECTION 4. That all ordinances or parts of ordinances in conflict with the terms of this ordinance are hereby repealed.

## **Z-04-103**

### **Conditions**

**471 and 525 Glen Iris Drive NE; 623, 660 and 680 Dallas Street NE; 616, 619, 620, and 624 Rankin Street NE; and 471, 476, 477, 485, 486, 490, 494, 498, and 502 Wilmer Street NE**

1. As used herein, Sidewalk-Level shall have the meaning utilized in the Mixed Residential Commercial (MRC) District regulations.
2. Building heights:
  - a. Within 120 feet of the edge of a park larger than two acres, building height shall be a maximum of 80 feet and six stories.
  - b. Within 60 feet of the eastern curb of Glen Iris Drive building height shall be a maximum of 80 feet and six stories.
  - c. In all other areas buildings shall have a maximum height of 120 feet.
3. Building façade treatments:
  - a. As used herein, Storefront Treatment shall have the meaning utilized in the Mixed Residential Commercial (MRC) District regulations for Non-residential fenestration, and shall include a minimum sidewalk-level floor-to-floor height of 15 feet.
  - b. As used herein, Residential Treatment shall:
    - i. provide doors and vertical windows arranged horizontally at the sidewalk-level,
    - ii. provide windows for a minimum of 30 percent of the total sidewalk-level street facade area, with each façade being calculated independently,
    - iii. provide porches or a stoop at each Sidewalk-level entrance, and
    - iv. not allow garage doors opening onto the street.
  - c. Along Glen Iris Drive, buildings shall provide a sidewalk-level Storefront Treatment; at street intersections said treatment shall extend onto side streets for a minimum linear distance of 30 feet.
  - d. Along all other public and private streets, buildings shall provide a sidewalk-level Storefront Treatment or Residential Treatment, except that, on portions of streets not adjacent to a park larger than two acres, parking decks may front the sidewalk for a maximum length of 125 feet, but not exceeding 50 percent of the building façade length.
  - e. Buildings with a sidewalk-level Residential Treatment shall be permitted to have steps, balconies and landscaping encroaching over or into the sidewalk clear zone a maximum depth of four feet when such clear zone area is not located within the public right-of-way and when such buildings are not located along Glen Iris Drive or portions of streets adjacent to a park larger than two acres.
  - f. The following materials are prohibited on the first two stories of street-facing façades: vinyl siding, solid vinyl windows, Exterior Insulation Finish Systems (EIFS), or similar wall finish treatments.
  - g. Window frames shall be recessed a minimum of two inches from the exterior façade.
  - h. No exterior stairs seen from the street shall be made of wood, and risers shall be enclosed.

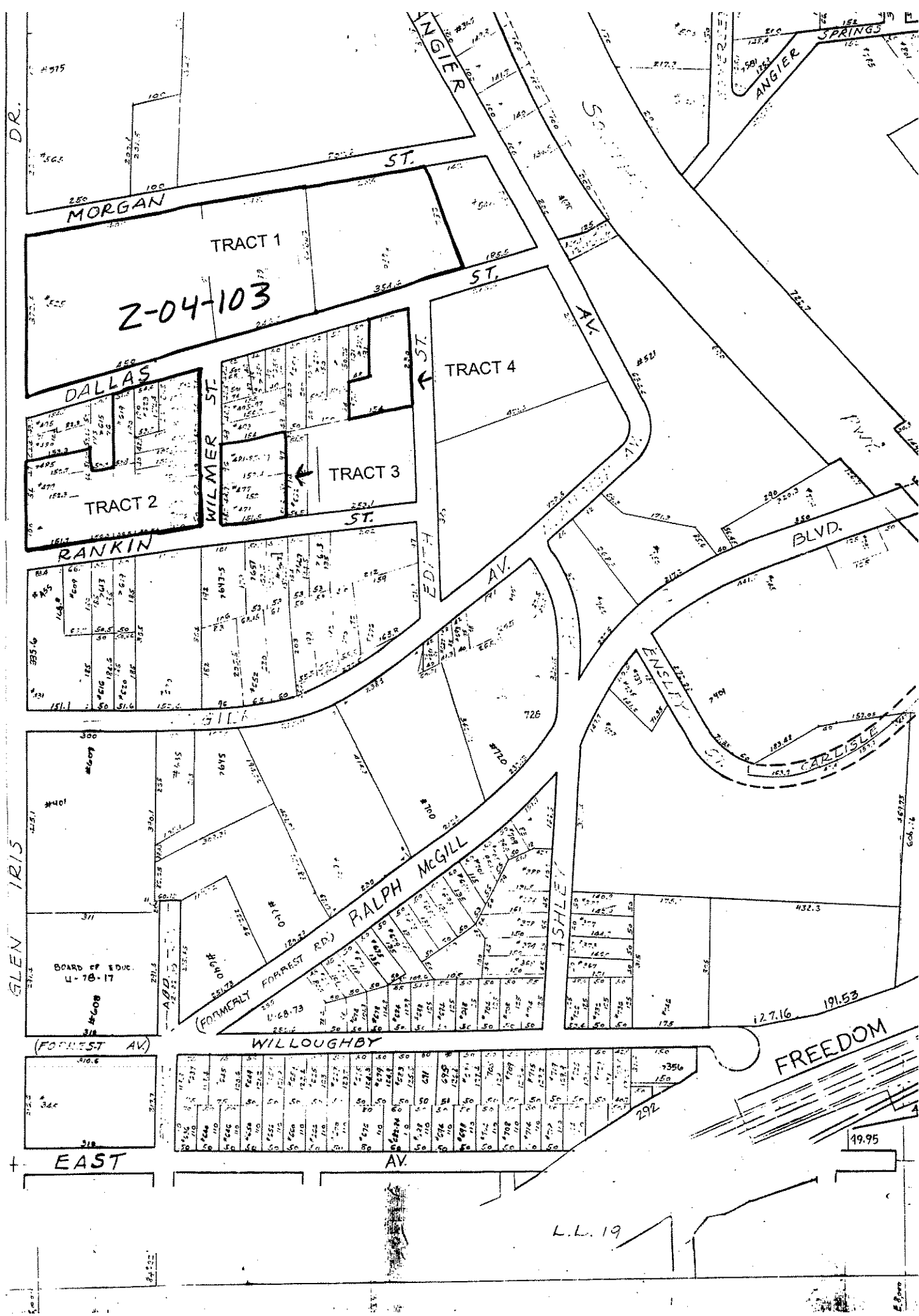
## **Z-04-103**

### **Conditions**

**471 and 525 Glen Iris Drive NE; 623, 660 and 680 Dallas Street NE; 616, 619, 620, and 624 Rankin Street NE; and 471, 476, 477, 485, 486, 490, 494, 498, and 502 Wilmer Street NE**

- i. Exterior chimneys shall extend to the ground.
  - j. Porches shall be a minimum of six feet in depth and eight feet in width.
  - k. Exterior columns shall have a minimum width of five and one-half inches.
  - l. Foundations shall be faced in brick, terracotta, stone, masonry with the appearance of brick, terracotta or stone, poured-in-place rubbed concrete, or hard coat stucco.
4. Restricted uses:
- a. At a distance greater than 60 feet from the eastern curb of Glen Iris Drive, non-residential uses are limited to the first two stories.
  - b. Sizes of individual retail, restaurant, repair or commercial recreation establishments, and clubs and lodges, shall not exceed 15,000 square feet along arterials and collector streets, such as Glenn Iris Drive, and 10,000 square feet elsewhere.
  - c. Buildings fronting on a park greater than two acres in area, or fronting on portions of streets adjacent to such a park, shall have a residential or non-residential uses at the sidewalk-level, but not parking or storage areas.
  - d. Parking decks are prohibited adjacent to a park larger than two acres, or fronting on portions of streets adjacent to such a park.
  - e. Dumpsters, loading docks, and surface parking lots shall not be visible from any adjacent street or any adjacent park.
  - f. The following uses are prohibited: automobile service and gasoline stations; car washes; new and used car sales; repair garages; paint and body shops; plumbing and air conditioning service and repair; repair of lawn mowers and other outdoor mechanical equipment; commercial greenhouses; laundry and dry cleaning plants; mortuaries and funeral homes; security storage centers; and digital industry switchboards, power generators and other relay equipment as a primary use.
5. On-street parking shall be provided along the east side of Glen Iris Drive.



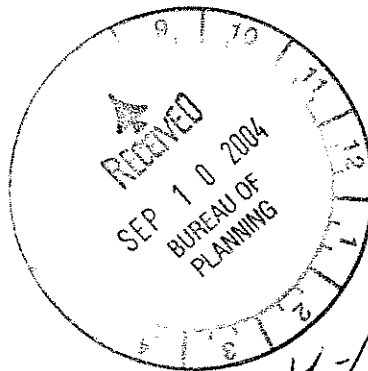


471 GLENIRIS

**EXHIBIT "A"**

All that tract or parcel of land lying and being in Land Lot 18 of the 14<sup>th</sup> District, Fulton County, Georgia and being more particularly described as follows:

Beginning at the intersection of the northerly side of Rankin Street (50 foot right of way) with the easterly side of Glen Iris Drive (50 foot right of way) and running thence north 3 degrees 31 minutes 39 seconds east along the easterly right of way of Glen Iris Drive 216 feet to an iron pin set; running thence north 81 degrees 18 minutes 8 seconds east 152.81 feet to an iron pin set; running thence south 3 degrees 15 minutes 1 second west 230.66 feet to an iron pin set on the northerly right of way of Rankin Street; running thence south 86 degrees 49 minutes 3 seconds west 151.50 feet to the iron pin set at the point of beginning; being more particularly shown on survey prepared for Johnny Colt by Conroy & Associates, P.C., dated December 17, 2001.

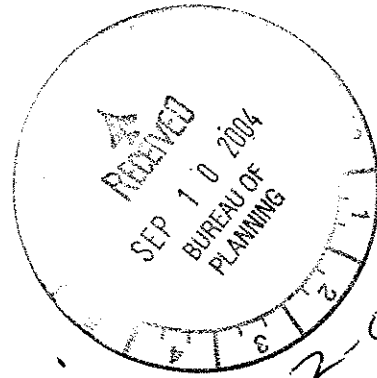


2-04-103

525 GLEN IRIS / 660 Dallas St

EXHIBIT "A"

LEGAL DESCRIPTION



All that tract or parcel of land lying and being in the City of Atlanta in Land Lot 18 of the 14th District of Fulton County, Georgia, more particularly described as follows:

BEGINNING at an iron pin located at the southeast corner of Glen Iris Drive (formerly Randolph Street) and Morgan Street; thence north 78 degrees 39 minutes 37 seconds east along the southeast right of way of Morgan Street 399.44 feet to an iron pin set at the northwest corner of property now or formerly owned by Motor Service, Inc.; thence south 9 degrees 10 minutes 25 seconds east along the westerly boundary of said property of Motor Service, Inc. 324.49 feet to an iron pin set on the northwestern right of way of Dallas Street; thence south 73 degrees 05 minutes 52 seconds west along the northwest right of way of Dallas Street 449.96 feet to an iron pin set at the northeast intersection of Dallas Street and Glen Iris Drive; thence north 1 degree 57 minutes 26 seconds west along the easterly right of way of Glen Iris Drive 372.88 feet to an iron pin set at the southeast corner of Glen Iris Drive and Morgan Street, at THE POINT OF BEGINNING; being known as 525 Glen Iris Drive, in accordance with the present system of numbering houses in the City of Atlanta, Georgia; as more particularly shown on survey by James Robert Cheatham dated November 20, 1973, which survey is incorporated herein by reference.

AND

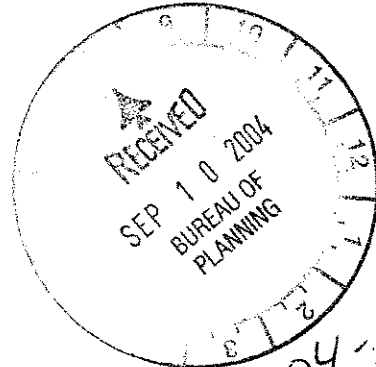
All that tract or parcel of land lying and being in the City of Atlanta in Land Lot 18 of the 14<sup>th</sup> District of Fulton County, Georgia, more particularly described as follows:

BEGINNING at a point on the southeastern side of Morgan Street four hundred (400) feet northeastwardly, as measured along the southeastern side of Morgan Street, from the southeast corner of Morgan Street and Glen Iris Drive (formerly Randolph Street); running thence in a northeasterly direction along the southeastern side of Morgan Street two hundred forty-eight and 7/10 (248.7) feet to property now or formerly owned by D. F. L. Co.; thence in a southerly direction along the west line of said property two hundred ninety-nine and 03/100 (299.03) feet to a point on the northwestern side of Dallas Street, which point is six hundred ninety-six and 3/10 (696.3) feet northeastwardly, as measured along the northwestern side of Dallas Street, from the northeast corner of Dallas Street and Glen Iris Drive; thence in a southwesterly direction along the northwestern side of Dallas Street two hundred forty-six and 3/10 (246.3) feet to a point; thence in a northerly direction three hundred seventeen (317) feet to the southeastern side of Morgan Street and the point of beginning.



UPON RECORDING, RETURN TO:  
LARRY JAMES WHITE, ESQ.  
SMITH, WHITE, SHARMA & HALPERN  
1126 PONCE DE LEON AVE., NE  
ATLANTA, GEORGIA 30306

477 WILMER



**LIMITED WARRANTY DEED**

STATE OF GEORGIA

COUNTY OF FULTON

This Indenture, made the 17<sup>th</sup> day of July, in the year of two thousand three, between

**JOSEPH L. WALKER**

of the County of Fulton, and the State of Georgia, as parties of the first part, hereinafter collectively referred to as "Grantors", and

**DALLAS-RANKIN, LLC**

as party or parties of the second part, hereinafter called "Grantee" (the words "Grantors" and "Grantee" to include their respective heirs, successors, and assigns where the context requires or permits).

WITNESSETH that: Grantor(s), for and in consideration of the sum of TEN DOLLARS AND OTHER GOOD AND VALUABLE CONSIDERATIONS (\$10.00) in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, convey and confirm unto the said Grantee,

All that tract or parcel of land lying and being in Land Lot 18 of the 14<sup>th</sup> District of originally Henry, now Fulton County, Georgia being known as Lot No. 2 in Block D and being more particularly described as follows: Commencing at a point on the east side of Wilmer Street 48.7 feet north of the northeast corner of Rankin and Wilmer Streets, and running thence easterly 152 feet to a point; running thence north 51.5 feet to a point; running thence westerly 153.4 feet to the easterly side of Wilmer Street; running thence south along the easterly side of Wilmer street 48.7 feet to the point of beginning; being the same property conveyed by Jossie Anderson to Elease Stokes and Roosevelt Stokes be deed recorded in Deed Book 4027, page 34, Fulton County, Georgia records.

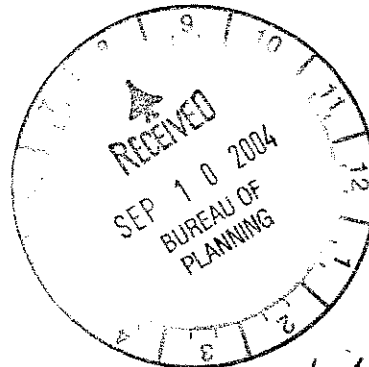
485 WILMER

EXHIBIT "A"

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN THE CITY OF ATLANTA IN LAND LOT 18 OF THE 14<sup>TH</sup> DISTRICT OF FULTON COUNTY, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Being lots three (3) and four (4) in Block "D" on the map of part of the Angier Springs Property subdivided by G.W. Adair and described as follows:

BEGINNING ON THE EAST SIDE OF WILMER STREET NINETY-SEVEN AND FOUR TENTHS (97.4) FEET NORTH OF RANKIN STREET AND RUNNING THENCE IN AN EASTERLY DIRECTION ALMOST PARALLEL WITH RANKIN STREET ONE HUNDRED FIFTY-THREE (153) FEET TO A POINT ONE HUNDRED AND FOUR (104) FEET NORTH OF RANKIN STREET; THENCE IN A NORTHERLY DIRECTION ALMOST PARALLEL WITH WILMER STREET NINETY-SEVEN (97) FEET, MORE OR LESS, TO LOT #5; THENCE WESTERLY ALMOST PARALLEL WITH RANKIN STREET ONE HUNDRED AND FIFTY-FOUR (154) FEET TO WILMER STREET; THENCE SOUTHERLY ALONG THE EAST SIDE OF WILMER STREET NINETY-SIX (96) FEET TO THE POINT OF BEGINNING; AND BEING IMPROVED PREOPERTY KNOWN AS 485 WILMER STREET IN THE CITY OF ATLANTA, GEORGIA.



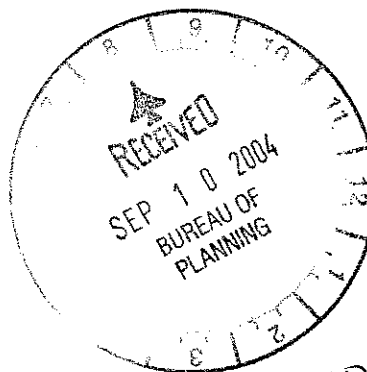
2-04-103

## EXHIBIT "A"

502 WILMER

All that tract or parcel of land lying and being in Land Lot 18 of the 14th District, Fulton County, Georgia, and being more particularly described as follows:

Beginning at the intersection of the southeasterly right of way of Dallas Street with the westerly right of way of Wilmer Street and run thence south 00 degrees 36 minutes 18 seconds east along the westerly right of way of Wilmer Street 63.8 feet to an iron pin found; running thence south 80 degrees 38 minutes 18 seconds west 100 feet to an iron pin set; running thence north 00 degrees 14 minutes 45 seconds west 61.5 feet to an iron pin found on the southeasterly right of way of Dallas Street; running thence north 79 degrees 18 minutes 1 second east 99.99 feet along the southeasterly right of way of Dallas Street to the point of beginning. Being more particularly shown on survey prepared by Conroy & Associates, P.C. for Tecton, Inc., dated February 11, 2002.



2-04-103

hereinafter called Grantor, and

DALLAS-RANKIN, LLC

as party or parties of the second part, hereinafter called Grantee (the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits).

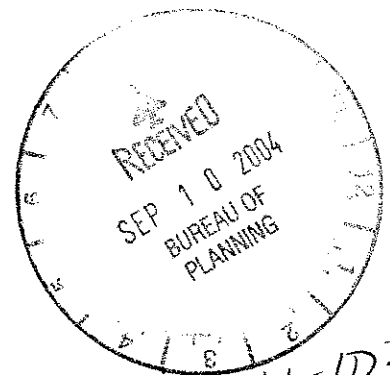
WITNESSETH that: Grantor, for and in consideration of good and valuable considerations and the sum of Ten & 00/100 (\$10.00) Dollars in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, convey and confirm unto the said Grantee, the following described property, to-wit:

All that tract or parcel of land lying and being in land lot 18 of the 14<sup>th</sup> District, Fulton County, Georgia, being more particularly described as follows:

Beginning at an iron pin on the northerly side of Rankin Street (fifty foot right-of-way) 151.5 feet easterly from the intersection of the northerly side of Rankin Street with the easterly side of Glen Iris Drive (fifty foot right-of-way) and running thence North 3 degrees 15 minutes 1 second east 174.75 feet to an iron pin; running thence North 82 degrees 45 minutes 17 seconds East 50.9 feet to a point; running thence North 3 degrees 2 minutes 19 seconds east 176 feet to an iron pin on the southerly side of Dallas Street (fifty foot right-of-way); running thence North 79 degrees 18 minutes 1 second East along the southerly side of Dallas Street 51.5 feet to a point; running thence South 3 degrees 25 minutes 16 seconds West 116.79 feet to a point; running thence North 83 degrees 41 minutes 18 seconds East 152.58 feet to a point on the westerly side of Wilmer Street (fifty foot right-of-way); running thence South 3 degrees 9 minutes 4 seconds West along the westerly side of Wilmer Street 127.9 feet to a point; running thence South 85 degrees 51 minutes 38 seconds West 100.1 feet to a point; running thence South 3 degrees 36 minutes 11 seconds West 123.42 feet to a point on the northerly side of Rankin Street; running thence South 86 degrees 50 minutes 42 seconds West along the northerly side of Rankin Street 150.81 feet to the iron pin set at the point of beginning, as shown on a survey for Dallas Rankin LLC dated October 10, 2002, prepared by Conroy & Associates, PC.

TO HAVE AND TO HOLD the said tract or parcel of land, with all and singular the rights, members and appurtenances thereof, to the same being, belonging, or in anywise appertaining, to the only proper use, benefit and behoof of the said Grantee forever in FEE SIMPLE.

486, 490 & 494 WILMER ST  
616, 619, 620 & 624 RANKIN ST



2-04-123



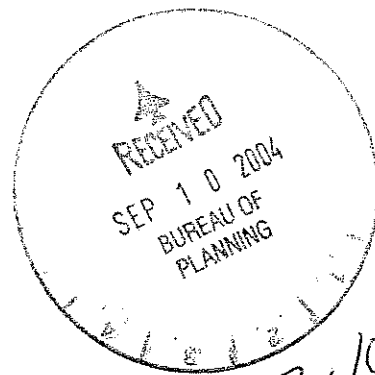
## LAND DESCRIPTION

**ALL THOSE TRACTS** or parcels of land lying and being in Land Lot 18, 17<sup>th</sup> District of Fulton County, Georgia, and more particularly described as follows:

Beginning at the intersection of the right-of-way of Dallas Street and the right-of-way of Wilmer Street; thence traveling northeasterly along the right-of-way of Dallas Street a distance of 367.91' to a ½" rebar; **the point of beginning**; thence; N 73°22'53"E a distance of 100.02' to a one-half inch rebar found; thence S00°33'31"E a distance of 229.89' to a one-half inch rebar found; thence S76°00'10"W a distance of 153.88' to a one-half inch rebar found; thence N00°44'36"W a distance of 90.19' to a one-half inch rebar found; thence N75°21'59"E a distance of 54.62' to a one-half rebar found; thence N00°11'40"W a distance of 134.51' to **the point of beginning**.

The above described property, Tract B, contains 0.615 acres, more or less, and shown on and described according to that survey "North Avenue Park, LLC, Specialized Title Services, Inc., & Stewart Title Guaranty Company", dated July 14, 2004, and revised on September 2, 2004 by Conroy & Associates, PC, bearing the seal of Daniel F. Conroy, Georgia Registered Land Surveyor No. 2350. which survey is incorporated herein by this reference.

TRACT L on CONROY SURVEY  
( NO ADDRESS FOUND )



2-03-103

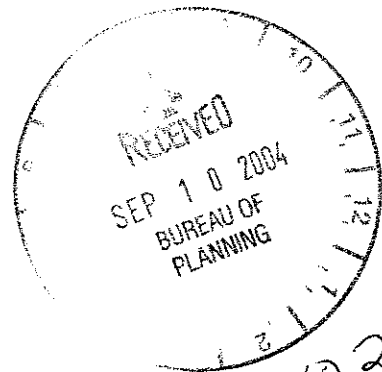
## LAND DESCRIPTION

**ALL THOSE TRACTS** or parcels of land lying and being in Land Lot 18, 17<sup>th</sup> District of Fulton County, Georgia, and more particularly described as follows:

Beginning at the intersection of the right-of-way of Dallas Street and the right-of-way of Wilmer Street S03°34'46"E a distance of 63.80' to a ½" rebar found at the point of Beginning; thence S00°01'37"E a distance of 64.00' to point; thence S80°42'50"W a distance of 152.77' to a point; thence N00°26'49"E a distance of 116.79' to a point on the right-of-way of Dallas Street; thence N76°19'33"E a distance of 50.34' to a ½" rebar found; thence S03°13'13"E a distance of 61.50' to an iron pins set; thence N77°39'50"E a distance of 100.00' to **the point of beginning**.

The above described property, known as 623 Dallas Street and 496 Wilmer Street and Tract G, contains 0.278 acres, more or less, and shown on and described according to that survey "DALLAS RANKIN LLC, NSI LAND LLC, AND North Avenue Park, LLC", dated July 3, 2004, and revised on September 2, 2004 by Conroy & Associates, PC, bearing the seal of Daniel F. Conroy, Georgia Registered Land Surveyor No. 2350. which survey is incorporated herein by this reference.

623 DALLAS  
# 496 WILMER ST.



2-04-103

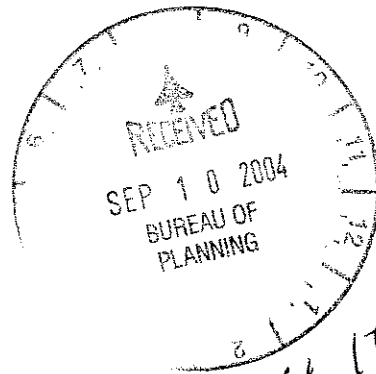
## LAND DESCRIPTION

**ALL THOSE TRACTS** or parcels of land lying and being in Land Lot 18, 17<sup>th</sup> District of Fulton County, Georgia, and more particularly described as follows:

Beginning at the intersection of the right-of-way of Morgan Street and the right-of-way of Glen Iris Drive; thence traveling northeasterly along the right-of-way of Morgan Street a distance of 648.29' to a 1" crimp top pipe; **the point of beginning**; thence N81°49'05"E a distance of 285.08' to a point; thence S19°48'56"E a distance of 250.69' to a 1" crimp top pipe; thence S73°17'44"W a distance of 354.09' to a 1" crimp top pipe; thence S05°23'15"E a distance of 298.37' to a 1" crimp top pipe; **the point of beginning**.

The above described property, Tract A, contains 1.993 acres, more or less, and shown on and described according to that survey "North Avenue Park, LLC, Specialized Title Services, Inc., & Stewart Title Guaranty Company", dated July 14, 2004, and revised on September 2, 2004 by Conroy & Associates, PC, bearing the seal of Daniel F. Conroy, Georgia Registered Land Surveyor No. 2350. which survey is incorporated herein by this reference.

680 OLLIS  
RE



2-04.103

## LAND DESCRIPTION

**ALL THOSE TRACTS** or parcels of land lying and being in Land Lot 18, 17<sup>th</sup> District of Fulton County, Georgia, and more particularly described as follows:

Beginning at the intersection of the right-of-way of Wilmer Street and the right-of-way of Rankin Street N00°28'55"E a distance of 51.16' to a ½" rebar found; thence N84°51'13"E a distance of 150.98' to a point; thence S00°38'34"W a distance of 49.35' to an iron pin set on the right-of-way of Rankin street; thence S84°10'08"W a distance of 151.03' to **the point of beginning**.

The above described property, known as 471 Wilmer Street and Tract K, contains 0.173 acres, more or less, and shown on and described according to that survey "DALLAS RANKIN LLC, NSI LAND LLC, AND North Avenue Park, LLC", dated July 3, 2004, and revised on September 2, 2004 by Conroy & Associates, PC, bearing the seal of Daniel F. Conroy, Georgia Registered Land Surveyor No. 2350. which survey is incorporated herein by this reference.

471 WILMER ST.



2-04-103

Municipal Clerk  
Atlanta, Georgia

**04- 0 -1837**

AN ORDINANCE  
BY: ZONING COMMITTEE

Z-04-103  
Date Filed: 9-10-04

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

SECTION 1. That the Zoning Ordinance of the city of Atlanta be amended, and the maps established in connection therewith be changed so that the following property located at **471 & 525 Glen Iris Drive, 616-624 Rankin Street, 476-502 and 471-485 Wilmer Street, 619 & 623, 660 & 680, 681 Dallas Street, N.E.** be changed from the I-1 (Light Industrial) District to the MRC-3 (Mixed Residential Commercial) District to wit:

ALL THAT TRACT or parcel of land lying and being in Land Lot 18, 14<sup>th</sup> District, Fulton County, Georgia, being more particularly described by the attached map and legal description.

SECTION 2. If this amendment is approved under the provisions of Section 16-02.003 of the Zoning Ordinance of the City of Atlanta, entitled, "Conditional Development", as identified by the use of the suffice "C" after the district designation in Section 1 above, the Director, Bureau of Buildings, shall issue a building permit for the development of the above-described property only in compliance with the attached conditions. Any conditions hereby approved (including any conditional site plan) do not authorize the violation of any district regulations. District regulation variances can be approved only by application to the Board of Zoning Adjustment.

SECTION 3. That the maps referred to, now on file in the Office of the Municipal Clerk, be changed to conform with the terms of this ordinance.

SECTION 4. That all ordinances or parts of ordinances in conflict with the terms of this ordinance are hereby repealed.

D-8

Municipal Clerk  
Atlanta, Georgia

**04-0-1838**

AN ORDINANCE  
BY: ZONING COMMITTEE

Z-04-104  
Date Filed: 9-10-04

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

SECTION 1. That the Zoning Ordinance of the city of Atlanta be amended, and the maps established in connection therewith be changed so that the following property located at **140 Milton Avenue, S.E.** be changed from the I-1-C (Light Industrial-Conditional) District to the MR-4A (Multi-Family Residential-Eight story multi-family dwellings) District, to wit:

ALL THAT TRACT or parcel of land lying and being in Land Lots 55 & 56, 14<sup>th</sup> District, Fulton County, Georgia, being more particularly described by the attached legal description.

SECTION 2. If this amendment is approved under the provisions of Section 16-02.003 of the Zoning Ordinance of the City of Atlanta, entitled, "Conditional Development", as identified by the use of the suffice "C" after the district designation in Section 1 above, the Director, Bureau of Buildings, shall issue a building permit for the development of the above-described property only in compliance with the attached conditions. Any conditions hereby approved (including any conditional site plan) do not authorize the violation of any district regulations. District regulation variances can be approved only by application to the Board of Zoning Adjustment.

SECTION 3. That the maps referred to, now on file in the Office of the Municipal Clerk, be changed to conform with the terms of this ordinance.

SECTION 4. That all ordinances or parts of ordinances in conflict with the terms of this ordinance are hereby repealed.

D-9

## LEGAL DESCRIPTION

ALL that tract or parcel of land lying and being in Land Lots 55 and 56 of the 14th Land District, City of Atlanta, Fulton County, Georgia, and being more particularly described as follows:

BEGINNING at 'PK" nail located by the intersection of the northern Right-of-Way of Milton Avenue, a 50' R/W and the western Right-of-Way of Martin Street, 30' at this point;

THENCE running along the northern Right-of-Way of Milton Avenue, N 62° 49' 33" W for 28.14' to a point in the sidewalk;

THENCE continuing along the Right-of-Way, N 61° 46' 27" W for 75.55' to a point;

THENCE continuing along the Right-of-Way following the curvature to the right an arc distance of 253.45', said arc having a radius of 478.04', and subtending a chord bearing N 46° 35' 41" W for 250.49'

THENCE continuing along the Right-of-Way, N 31° 45' 25" W for 162.86' to an iron pin set;

THENCE departing the Right-of-Way and running, N 55° 45' 44" E for 427.48' to a point;

THENCE S 00° 30' 00" W for 432.48' to a f\*\*\*\*\*or corner;

THENCE S 03° 18' 46" E for 167.52' to a 'PK' nail on the northern Right-of-Way of Milton Avenue and the POINT OF BEGINNING.

SAID tract containing and containing 120,035 square feet or 2.7556 acres.

Z-04-106

**AN ORDINANCE**

**04-0-1553**

**BY ZONING COMMITTEE**

**TO AMEND SECTION 16-28.006(10) OF THE ZONING CODE OF THE CITY OF ATLANTA'S CODE OF ORDINANCES, FOR THE PURPOSE OF CLARIFYING THE REQUIREMENTS RELATED TO INDEPENDENT DRIVEWAYS; AND FOR OTHER PURPOSES.**

**WHEREAS**, Section 16-28.006(10) of the Zoning Code currently requires that each conforming lot have an independent driveway; and

**WHEREAS**, the Bureau of Buildings believes that the purpose of this code section was to require that residential lots have driveways and off-street parking where possible; and

**WHEREAS**, the present text of this ordinance allows an automatic exemption for non-conforming residential lots; and

**WHEREAS**, it is in the best interest of the health safety and welfare of the citizens of the City of Atlanta that all reasonable efforts be made to encourage and support the orderly flow of traffic and where possible relieve the parking congestion caused by on-street parking in neighborhoods; and

**WHEREAS**, when applied to commercial lots, this section also requires that all such lots have independent driveways in addition; and

**WHEREAS**, the parking requirements for commercial properties do not require an independent driveway to support the orderly flow of traffic and relieve the parking congestion caused by on-street parking in neighborhoods.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA** as follows:

**SECTION 1** That Section 16-28.006(10) of the Zoning Code of the City of Atlanta which reads:

*Independent Driveway Required on Conforming Lot:* Each conforming lot shall have its own independent driveway entirely within its boundaries and directly connected to a public street. No lot shall be considered conforming if it does not have, or cannot be provided with, a driveway meeting this requirement.

be amended such that Section 16-28.006(10) shall read

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*Independent Driveway Required for Residential Lots:* Each residential lot shall have its own independent driveway entirely within its boundaries and directly connected to a public street, provided however that an alley may provide such access if the alley is directly connected to a public street. Notwithstanding the foregoing requirement, a residential lot without frontage on a public street or access to an alley shall not be required to have an independent driveway but shall be required to have dedicated access at a minimum width of ten (10) feet. Where an easement is granted for such access, the area of the easement shall be considered in the calculation of the maximum lot coverage of the grantor's lot.